

Tennessee Legislative Report
Updated
Friday, May 13, 2011

Animals & Animal Husbandry - 2

HB20 Animals & Animal Husbandry: Criminal penalties for failing to restrain dogs.

Sponsors Rep. G.A. Hardaway

Description Requires people in possession of dogs to restrain or confine such dogs and establishes certain criminal penalties and defenses for violations.

Senate Status *None*

House Status 01/25/2011 - Referred to House Agriculture Subcommittee.

SB1138 / HB89 Animals & Animal Husbandry: Ownership of dangerous dogs restricted.

Sponsors Sen. Beverly Marrero / Rep. G.A. Hardaway

Description Creates a class A misdemeanor offense for a person convicted of a violent felony to knowingly own or possess a dangerous, vicious, or wild animal within 10 years of being released from prison, community correction, probation or parole. Only applies to felons convicted after July 1, 2011.

Senate Status 02/28/2011 - Referred to Senate Judiciary.

House Status 05/03/2011 - House Agriculture deferred to 2012.

Commercial Law - 1

SB921 / HB1084 Commercial Law: Consumer Civil Litigation Funding Act.

Sponsors Sen. Mae Beavers / Rep. Jimmy A. Eldridge

Description Places requirements on contracts assigning a civil litigation funding provider the right to receive funds from a consumer's pursued civil claim such as requiring the contract be completely filled in, include a right of rescission, each page be initialed by the consumer, and include a written acknowledgement by the consumer's attorney containing several specified statements concerning compensation and fees. Requires a contract to include material terms conspicuously placed including all fees to be paid, the consumer's right to cancellation, prohibitions on the funding provider from making any decisions regarding the litigation, provisions encouraging advice of counsel, and a clause limiting fees to not exceed the amount of a consumer's recovery. Prohibits funding providers from engaging in specific conduct such as false or misleading advertisement, refer clients to attorneys or medical providers, attempt to contract for waivers of the right to trial or damages, and pay or accept referral fees or commissions from medical providers or attorneys. Declares violations of the above requirements constitute a deceptive act or practice and are punishable by civil penalty up to \$10,000 per violation.

Senate Status 02/24/2011 - Referred to Senate Commerce, Labor & Agriculture.

House Status 02/24/2011 - Referred to House Consumer & Employee Affairs.

Criminal Law - 37

HB214 Criminal Law: Additional penalties for protection order violators.

Sponsors Rep. G.A. Hardaway

Description Requires persons charged for the first time with violating a protection or restraining order to attend mandatory court-appointed counseling at the defendant's expense and pay the costs of the victim's optional counseling, with exceptions for indigency. Requires that second time violators pay a \$3,000 fine.

Senate Status *None*

House Status 02/09/2011 - Referred to House General Subcommittee of Judiciary.

HB288 Criminal Law: Material with ephedrine a schedule III controlled substance.

Sponsors Rep. Michael Ray "Mike" McDonald

Description Makes materials containing any quantity of ephedrine or pseudoephedrine a schedule III controlled substance. Exempts immediate methamphetamine precursors if they are not in a form that can be used in the manufacture of methamphetamine, which must be determined by the board of pharmacy and the TBI. Requires the board of pharmacy to maintain a public list of the exempted products or categories. Allows any person to request that a product or category of products be included on the exemption list. Maintains a Class A misdemeanor, punishable by fine only.

Senate Status None

House Status None

SB64 / HB35 Criminal Law: Prostitution-related offenses: enhanced penalties.

Sponsors Sen. Doug Overbey / Rep. Debra Young Maggart

Description Provides immunity for minors arrested for prostitution. Enhances criminal penalty from a Class B misdemeanor to a Class E felony for persons patronizing prostitution from prostitutes who are under 18 years of age or mentally defective. Provides defense for such person if the person reasonably believed the prostitute to be at least 18 years of age or not mentally defective. Enhances criminal penalty from a Class E felony to a Class D felony for persons promoting the prostitution of a minor. Allows law enforcement officers to impound an arrested person's car, if the person is arrested for certain sexual offenses.

Senate Status 05/10/2011 - Senate Judiciary recommended with amendment, as amended. Sent to Senate Finance, Ways & Means.

House Status 04/27/2011 - House General Subcommittee of Finance placed behind the budget.

SB70 / HB42 Criminal Law: Animal cruelty - additional penalties.

Sponsors Sen. Doug Overbey / Rep. Bob Ramsey

Description Requires, instead of allows, law enforcement officers to take a person's vehicle when the person has been arrested for transporting or confining an animal in a cruel manner. Requires, instead of allows, the court to prohibit such a person from having custody of other animals for a reasonable time. Requires that a fine between 2,500 dollars and 3,500 dollars be levied on any person convicted of certain cruelty to animals offenses. Requires, instead of allows, that such a person or minor, in some circumstances, undergo a psychological evaluation and counseling paid by the person. Requires, instead of allows, the court to send notification to the appropriate authorities if such a person resides with minors or elderly individuals. Broadly captioned.

Senate Status 02/07/2011 - Referred to Senate Judiciary.

House Status 03/23/2011 - Failed in House Agriculture Subcommittee for lack of motion.

SB93 / HB66 Criminal Law: Retailer to verify ID for credit and debit card purchases.

Sponsors Sen. Beverly Marrero / Rep. G.A. Hardaway

Description Creates an offense for a person employed by a retailer to knowingly fail to verify the identification of a person who presents a debit card or credit card for payment of goods and services. Specifies that the first offense is a Class C misdemeanor punishable by a fine of \$50.00. Specifies that second and subsequent offenses is a Class B misdemeanor. Broadly captioned.

Senate Status 02/11/2011 - Referred to Senate Commerce, Labor & Agriculture.

House Status 02/09/2011 - Caption bill held on House clerk's desk.

SB137 / HB142 Criminal Law: Creates offense of concealing or harboring illegal alien.

Sponsors Sen. Bill Ketron / Rep. Tony Shipley

Description Creates offense for a person to conceal, harbor, or shield from detection an illegal

alien if such person knows or reasonably should know that the other person is an illegal alien. Specifies that a violation is a Class E felony. Increases the penalty for violations that result in death or serious bodily injury. Specifies that each illegal alien involved in a violation is a separate offense and any property or proceeds acquired or instrumentality used during the violation is subject to judicial forfeiture. Also specifies that persons convicted of attempt, conspiracy, solicitation, facilitation, or accessory after the fact will be subject to the same punishments as if they were the principal of the crime. Broadly captioned.

Senate Status 02/09/2011 - Referred to Senate Judiciary.

House Status 02/14/2011 - Referred to House General Subcommittee of Judiciary.

SB257 / HB1822 Criminal Law: Felons to offer biological specimen for DNA analysis.

Sponsors Sen. Ron Ramsey / Rep. Jon Lundberg

Description Requires all persons arrested on or after January 1, 2012, for the commission of any felony to have a biological specimen taken for the purpose of DNA analysis. Requires the bureau to destroy the sample and all records of the sample if the charge for which the sample was taken is dismissed or the defendant is acquitted at trial.

Senate Status 02/11/2011 - Referred to Senate Judiciary.

House Status 03/03/2011 - Referred to House Judiciary.

SB312 / HB155 Criminal Law: Castle doctrine protects persons from criminal liability.

Sponsors Sen. Brian K. Kelsey / Rep. Bob Ramsey

Description Broadens the castle doctrine to protect persons using force from criminal liability, in addition to the existing protection from civil liability. Requires the commissioner to conduct a study on the state's insurance laws and policies that may be deterring insurance companies from providing coverage for persons who justifiably used force to protect themselves or their property.

Senate Status 05/12/2011 - Set for Senate Judiciary Committee 05/17/11.

House Status 04/04/2011 - House passed with amendment 1. House amendment 1 deletes the section of the original bill that creates immunity from criminal liability for the use of justifiable force to protect self or property. Requires the Commissioner of Commerce and Insurance to conduct a study on Tennessee insurance laws and policies to identify deterrents for insurance companies to underwrite policies for individuals who have previously used justifiable force. Requires the Commissioner to report study results to the General Assembly and Governor by March 1, 2012.

SB332 / HB699 Criminal Law: Pseudoephedrine as controlled substance and by prescription.

Sponsors Sen. Charlotte Burks / Rep. John Mark Windle

Description Adds medicines containing any amount of ephedrine or pseudoephedrine a Schedule III controlled substance. Requires medicines with methamphetamine precursors that are in the form that can be manufactured into methamphetamine to be dispensed only by a pharmacist after presenting a prescription. Requires the board of pharmacy to determine which medicines are in forms that can be used in the manufacture of methamphetamine. Creates a Class A misdemeanor, punishable by fine only, for violating any part of this section.

Senate Status 02/11/2011 - Referred to Senate Judiciary.

House Status 04/12/2011 - Taken off notice in House General Subcommittee of Health & Human Resources

SB350 / HB1638 Criminal Law: Recordings in court proceedings in lieu of reporter.

Sponsors Sen. Mae Beavers / Rep. Vance Dennis

Description Provides that a defendant in a criminal case has the right to have a person act as court reporter and make a verbatim recording of all proceedings in open court.

Senate Status 03/28/2011 - Senate passed with amendments 1 and 2. Senate amendment 1 deletes the language "a person act as court reporter and" in the amendatory

language of the bill and makes more specific reference to licensed court reporters pursuant to the Tennessee Court Reporting Act of 2009. Senate amendment 2 deletes the language "criminal case" and substitutes the language "criminal case as defined by TCA 40-14-301(3)", which means the trial of any criminal offense which is punishable by confinement in the state penitentiary and any proceeding for the writ of habeas corpus wherein the unlawful confinement is alleged to be in a state, county or municipal institution.

House Status 04/27/2011 - House passed.

Executive Status 05/12/2011 - Signed by governor.

SB371 / HB870 Criminal Law: Includes gang activity as factor for death penalty.

Sponsors Sen. Mike Bell / Rep. Barrett Rich

Description Includes murder as the result of gang activity as an aggravating factor for purposes of death penalty sentencing.

Senate Status 05/12/2011 - Set for Senate Judiciary Committee 05/17/11.

House Status 05/10/2011 - House General Subcommittee of Finance placed behind the budget.

SB450 / HB477 Criminal Law: Offense of internal possession of a controlled substance.

Sponsors Sen. Charlotte Burks / Rep. Charles Curtiss

Description Creates the offense of internal possession of a controlled substance. Specifies that the presence of any amount of a controlled substance in a lawfully obtained sample of a person's bodily fluid is evidence of internal possession.

Senate Status 02/21/2011 - Referred to Senate Judiciary.

House Status 04/13/2011 - House General Subcommittee of Judiciary deferred to 04/20/2011.

SB511 / HB572 Criminal Law: Uniform Electronic Recordation of Custodial Interrogations.

Sponsors Sen. Mike Faulk / Rep. Vance Dennis

Description Creates the Uniform Electronic Recordation of Custodial Interrogations act requiring all custodial interrogations be recorded without the persons consent or knowledge if they relate to a felony, or a crime resulting in either mental, physical, or pecuniary injury to a person. Exempts specified circumstances from being recorded such as refusal of the person being interrogated to answer questions, revealing confidential informants, jeopardizing the safety of an officer, exigent circumstances and equipment failure. Requires exceptions be proven by a preponderance of the evidence or statements admitted in court may be questioned for their reliability or ruled inadmissible. Provides for cataloging requirements and directs the Tennessee peace officer standards and training commission to adopt rules to implement the act and address specific issues. Orders the adoption of rules by law enforcement agencies to ensure compliance and therefore protect them from civil liability for violations. Broadly captioned.

Senate Status 04/27/2011 - Senate Judiciary deferred to next week.

House Status 04/27/2011 - Failed in House General Subcommittee of Judiciary after adopting amendment 1.

SB556 / HB400 Criminal Law: Eligibility for sentencing to community correction.

Sponsors Sen. Randy McNally / Rep. Eric Watson

Description Removes exception allowing a defendant not otherwise eligible to be sentenced to community correction rather than incarceration if the defendant has special needs that are best treatable in the community.

Senate Status 02/15/2011 - Referred to Senate Judiciary.

House Status 02/22/2011 - Referred to House General Subcommittee of Judiciary.

SB559 / HB401 Criminal Law: Exclusionary Rule Reform Act.

Sponsors Sen. Randy McNally / Rep. Eric Watson

Description Enacts the "Exclusionary Rule Reform Act." Provides that evidence that is seized as a result of executing a search warrant that is otherwise admissible in a criminal

proceeding and not in violation of the constitutions of the United States or the State of Tennessee shall not be suppressed as a result of any good faith mistake or technical violation made by a law enforcement officer, court official, or the issuing magistrate.

Senate Status 05/05/2011 - Senate passed.

House Status 05/04/2011 - House passed with amendments 1 and 2.

Executive Status 05/11/2011 - Sent to governor.

SB562 / HB1706 Criminal Law: Assessment of fines by jury or court.

Sponsors Sen. Andy Berke / Rep. Mike Stewart

Description Allows court or jury to consider the defendant's personal income and ability to pay when determining the amount of criminal fine to assess.

Senate Status 02/15/2011 - Referred to Senate Judiciary.

House Status 03/03/2011 - Referred to House Judiciary.

SB563 / HB531 Criminal Law: Increase number days to file presentence report.

Sponsors Sen. Andy Berke / Rep. Mike Stewart

Description Increases from 10 to 15 the number of days prior to a sentencing hearing that a presentence report shall be filed.

Senate Status 02/15/2011 - Referred to Senate Judiciary.

House Status 02/22/2011 - Referred to House General Subcommittee of Judiciary.

SB606 / HB168 Criminal Law: Increases punishment for domestic assault.

Sponsors Sen. Beverly Marrero / Rep. Jim Coley

Description Increases punishment for fourth or subsequent domestic assault or criminal violation of order of protection from Class A misdemeanor to Class E felony.

Senate Status 02/16/2011 - Referred to Senate Judiciary.

House Status 04/20/2011 - Taken off notice in House General Subcommittee of Judiciary.

SB695 / HB1034 Criminal Law: Elimination of post-conviction defender relief.

Sponsors Sen. Mike Faulk / Rep. Eric Watson

Description Eliminates post-conviction defender relief at the state level.

Senate Status 02/24/2011 - Referred to Senate Judiciary.

House Status 02/24/2011 - Caption bill held on House clerk's desk.

SB737 / HB1043 Criminal Law: Enlistment in active military duty as a pretrial diversion.

Sponsors Sen. Reginald Tate / Rep. Brenda Gilmore

Description Allows defendants aged 21 years old and eligible for military service to enlist in active duty service in a branch of United States Armed Forces as a possible condition of pretrial diversion.

Senate Status 02/24/2011 - Referred to Senate Judiciary.

House Status 04/20/2011 - House General Subcommittee of Judiciary deferred to 2012.

SB802 / HB962 Criminal Law: Duplicate copy of capias allowed.

Sponsors Sen. Doug Overbey / Rep. Jim Coley

Description Requires that in the event obtaining a certified copy of the undertaking or capias from the clerk's office at the time of the arrest or surrender is not possible, then a duplicate copy must suffice until a certified copy can be obtained.

Senate Status 05/12/2011 - Set for Senate Judiciary Committee 05/17/11.

House Status 03/07/2011 - House passed.

SB861 / HB703 Criminal Law: Revoking of defendant's bond during and before trial.

Sponsors Sen. Tim Barnes / Rep. Jim Gotto

Description Prohibits a defendant from being released on bond during the defendant's trial. Allows the court to revoke a defendant's bond before trial if the defendant violates a condition of release, is charged with an offense, or engages in conduct that

obstructs the progress of the trial or other proceedings.

Senate Status 03/21/2011 - Senate passed with amendment 2.

House Status 03/28/2011 - House passed on 03/28/2011.

Executive Status 04/13/2011 - Enacted as Public Chapter 0057 effective 01/01/2012.

SB869 / HB687 Criminal Law: Juvenile sexual offender registry.

Sponsors Sen. Brian K. Kelsey / Rep. Debra Young Maggart

Description Creates a sexual offender registry for juveniles who are 14-18 years of age, commit a specified violent sexual offense, and are found by a court to be at high risk for reoffending or have a prior adjudication for a violent sexual offense.

Senate Status 05/12/2011 - Set for Senate Judiciary Committee 05/17/11.

House Status 05/12/2011 - Set for House floor 05/18/11.

SB907 / HB167 Criminal Law: Addition to the definition of first degree murder.

Sponsors Sen. Doug Overbey / Rep. Jim Coley

Description Adds the killing of another while committing domestic abuse against victim where defendant has pattern of domestic abuse against victim or another family member to the definition of first degree murder.

Senate Status 02/28/2011 - Referred to Senate Judiciary.

House Status 02/16/2011 - House General Subcommittee of Judiciary deferred to 2012.

SB908 / HB169 Criminal Law: Killing of victim who has an order of protection.

Sponsors Sen. Doug Overbey / Rep. Jim Coley

Description Elevates to first degree murder under felony murder provision of first degree murder statute the killing of another while committing aggravated assault against a victim who has an order of protection or restraining order against the defendant.

Senate Status 02/28/2011 - Referred to Senate Judiciary.

House Status 02/16/2011 - House General Subcommittee of Judiciary deferred to 2012.

SB958 / HB1417 Criminal Law: Notice to schools of delinquent child's offense & probation.

Sponsors Sen. Mae Beavers / Rep. Mark White

Description Changes the requirement that a school be notified of the nature of a delinquent child's offense and their probation requirements within five days of the order to as soon as possible before the child resumes school attendance in situations when the court has ordered the school be notified because the child has been placed in state custody.

Senate Status 02/28/2011 - Referred to Senate Judiciary.

House Status 03/02/2011 - Referred to House Judiciary.

SB1002 / HB1035 Criminal Law: Good faith exception to the exclusionary rule.

Sponsors Sen. Randy McNally / Rep. Eric Watson

Description Creates a good faith exception to the exclusionary rule, which applies to unintentional document errors or a reasonable reliance on incorrect law.

Senate Status 02/24/2011 - Referred to Senate Judiciary.

House Status 02/24/2011 - Referred to House Judiciary.

SB1011 / HB693 Criminal Law: Attorney abuse of prosecutorial discretion.

Sponsors Sen. Jamie Woodson / Rep. Ryan A. Haynes

Description Limits the reason for which a prosecutor may be found to have abused prosecutorial discretion in failing to grant pretrial diversion. Creates a prosecutorial right to an interlocutory appeal for a judicial finding of abuse of prosecutorial discretion. Specifies that the prosecuting attorney decides whether to grant diversion.

Senate Status 05/10/2011 - Senate Judiciary recommended with amendment 1. Amendment 1 makes the bill. Adds TCA 8-21-409, which deals with the fees for court clerks in Knox County, to the already referenced TCA 8-21-401 with regards to the victims

assistance assessment. The victims assistance assessment shall be subject to the provisions of TCA 8-21-401 and shall be in addition to all other taxes, costs, and fines. The first three dollars (\$3.00) of each assessment shall be paid to the clerk of the court imposing the assessment for processing and handling. The remaining forty-two dollars (\$42.00) shall be transmitted to the county in which the offense occurred, for the exclusive use of the victims assistance program previously designated by the county legislative body.

House Status 05/12/2011 - House passed with amendment 1, which makes the bill. Adds TCA 8-21-409, which deals with the fees for court clerks in Knox County, to the already referenced TCA 8-21-401 with regards to the victims assistance assessment. The victims assistance assessment shall be subject to the provisions of TCA 8-21-401 and shall be in addition to all other taxes, costs, and fines. The first three dollars (\$3.00) of each assessment shall be paid to the clerk of the court imposing the assessment for processing and handling. The remaining forty-two dollars (\$42.00) shall be transmitted to the county in which the offense occurred, for the exclusive use of the victims assistance program previously designated by the county legislative body.

SB1058 / HB1059 Criminal Law: Moratorium on death penalty.

Sponsors Sen. Beverly Marrero / Rep. Johnnie Turner

Description Directs the judiciary committees of the house and senate to study defendants' access to justice and other implications of death penalty trials in the state of Tennessee. Requires the committees to report their findings and recommendations to the governor and the general assembly on or before January 15, 2012. Places a moratorium on executions from the effective date of this bill through April 15, 2012.

Senate Status 02/24/2011 - Referred to Senate Judiciary.

House Status 03/09/2011 - Taken off notice in House General Subcommittee of Judiciary

SB1085 / HB138 Criminal Law: Lowers DUI enhancement requiring ignition interlock device.

Sponsors Sen. Mae Beavers / Rep. Tony Shipley

Description Requires court to order an ignition interlock device in cases where a first-time DUI offender is allowed a restricted license if the person's BAC was .08 percent, rather than .15, or higher. Deletes provision requiring the court to order an ignition interlock device in cases where a first-time DUI offender is allowed a restricted license if the person violates the implied consent law and has a conviction or juvenile delinquency adjudication for a violation that occurred within five years for implied consent, underage driving while impaired, the open container law, or reckless driving if the charged offense was DUI. Broadly captioned.

Senate Status 02/28/2011 - Referred to Senate Judiciary.

House Status 02/14/2011 - Referred to House General Subcommittee of Judiciary.

SB1086 / HB1365 Criminal Law: Appealing the ruling of post-conviction relief motions.

Sponsors Sen. Mae Beavers / Rep. Vance Dennis

Description Increases the period of time that a petitioner in a post-conviction relief action has to appeal the ruling of the trial court to the court of criminal appeals on a motion to reopen the petition from 10 to 30 days.

Senate Status 05/09/2011 - Senate passed.

House Status 05/12/2011 - Set for House floor 05/16/11.

SB1234 / HB694 Criminal Law: Pretrial diversion and probation.

Sponsors Sen. Ken Yager / Rep. Debra Young Maggart

Description Abolishes pretrial diversion permitting qualified defendants to suspend prosecution for a maximum of two years during which they were required to participate in a supervised rehabilitation program among various other requirements. Adds to the list of those disqualified for probation persons seeking deferral of further proceedings for driving under the influence, persons convicted of a class A

misdemeanor with a sentence of confinement, and persons who have not previously been granted judicial or pretrial diversion.

Senate Status 05/12/2011 - Set for Senate Judiciary Committee 05/17/11.

House Status 05/12/2011 - House passed.

SB1328 / HB215 Criminal Law: Tracking device penalty for violator of protection order.

Sponsors Sen. Stacey Campfield / Rep. G.A. Hardaway

Description Permits a court to order a first time violator and requires a court to order a second time violator of a protection or restraining order to wear an electronic tracking device for the duration of the protection order at the cost of the defendant.

Senate Status 03/01/2011 - Referred to Senate Judiciary.

House Status 04/27/2011 - House General Subcommittee of Judiciary deferred to 2012.

SB1532 / HB1996 Criminal Law: Mental health evaluations in certain not guilty verdicts.

Sponsors Sen. Mark S. Norris / Rep. Gerald McCormick

Description Authorizes a court to order defendants who are in custody and are found not guilty by reason of insanity of a felony offense against the person, such as felony sex offenses, assaults, kidnappings, and robberies, to remain in custody after the verdict to receive an outpatient mental health evaluation. (Part of Administration Package)

Senate Status 03/21/2011 - Senate passed.

House Status 04/14/2011 - House passed.

Executive Status 05/03/2011 - Enacted as Public Chapter 0142 effective 05/02/2011.

SB2044 / HB1939 Criminal Law: Creates criminal offense of wearing saggy pants.

Sponsors Sen. Ophelia Ford / Rep. Joe Towns Jr.

Description Creates a criminal offense punishable by fine and community service only for a person to knowingly wear pants below waistline in a public place in a manner that shows one's underwear or buttocks. Allocates revenue derived from fines for such offense to equipment for school activities.

Senate Status 02/24/2011 - Referred to Senate Judiciary.

House Status 04/12/2011 - Failed in House General Subcommittee of Judiciary.

SB2055 / HB103 Criminal Law: Remedies of juvenile court for use of firearm by child.

Sponsors Sen. Ophelia Ford / Rep. G.A. Hardaway

Description Permits juvenile court to order that a child be assigned a long-term mentor or that the child or child's family members receive counseling services if the child is found to be a delinquent child based on conduct involving the use of a firearm. Adds any offense involving the use of a firearm to the list of offenses for which a juvenile court may transfer a juvenile to adult court. Broadly captioned.

Senate Status 03/04/2011 - Referred to Senate Judiciary.

House Status 02/09/2011 - Caption bill held on House clerk's desk.

SB2078 / HB1769 Criminal Law: Judge with handgun carry permit may carry gun into court.

Sponsors Sen. Mike Faulk / Rep. Art Swann

Description Allows a judge who has a valid handgun carry permit and is in the actual discharge of official duties as a judge to carry a handgun while in the courtroom.

Senate Status 03/01/2011 - Referred to Senate Judiciary.

House Status 04/19/2011 - Taken off notice in House Judiciary.

Education - 3

SB413 / HB787 Education: Educational neglect.

Sponsors Sen. Tim Barnes / Rep. Phillip Johnson

Description Establishes that a parent, guardian or other person who has control of a truant student commits "educational neglect."

Senate Status 04/25/2011 - Senate passed.
House Status 05/04/2011 - House passed.
Executive Status 05/10/2011 - Sent to governor.

SB618 / HB110 Education: Penalties for parents of unruly and truant children.

Sponsors Sen. Stacey Campfield / Rep. G.A. Hardaway
Description Requires parents or guardians of truant children found to be unruly by a juvenile court judge due to at least 5 inadequate absences from school, to perform 14 hours of community service for each day the child was absent without adequate excuse and a fine up to 50 dollars, instead of up to a total of five hours of community service or a fine up to 50 dollars. Requires parents of unruly children to also attend counseling, mentoring, or parenting classes. Requires unruly children to attend counseling or mentoring classes. Creates a task force on truancy with certain duties and membership requirements.
Senate Status 02/16/2011 - Referred to Senate Education.
House Status 05/12/2011 - Set for House General Subcommittee of Finance 05/17/11.

SB1700 / HB1804 Education: Report on juveniles in detention facilities.

Sponsors Sen. Charlotte Burks / Rep. Sherry Jones
Description Requires juvenile detention facilities to report annually by August 31 to the department of education on the number of youth served, dates of entry and exit and other demographic information.
Senate Status 04/20/2011 - Taken off notice in Senate Education.
House Status 03/01/2011 - Referred to House General Subcommittee of Education

Family Law - 26

SB84 / HB21 Family Law : Establishes office of noncustodial parent advocacy.

Sponsors Sen. Stacey Campfield / Rep. G.A. Hardaway
Description Creates a pilot project establishing the office of noncustodial parent advocacy to assist unwed noncustodial parents obtain visitation rights to their children.
Senate Status 02/07/2011 - Referred to Senate Government Operations.
House Status 04/05/2011 - Taken off notice in House General Subcommittee of Children & Family Affairs

SB86 / HB24 Family Law : Notice of intent to move relative to custody.

Sponsors Sen. Stacey Campfield / Rep. G.A. Hardaway
Description Requires a parent desiring to relocate outside the state or more than 100 miles from the other parent to send notice of the move to the other parent no later than 90 days, rather than 60 days, before the move.
Senate Status 03/07/2011 - Senate passed with amendment 1.
House Status 03/29/2011 - House General Subcommittee of Children & Family Affairs deferred to the first calendar of 2012.

SB95 / HB361 Family Law : Notaries public can solemnize marriages.

Sponsors Sen. Jim Tracy / Rep. Mike Sparks
Description Adds notaries public to those who may solemnize marriages.
Senate Status 02/11/2011 - Referred to Senate Judiciary.
House Status 03/08/2011 - Taken off notice in House General Subcommittee of Children & Family Affairs

SB123 / HB418 Family Law : Payer of child visitation can select provider.

Sponsors Sen. Stacey Campfield / Rep. G.A. Hardaway
Description Authorizes parent or guardian who pays for supervision of child visitation to select provider of visitation supervision services.
Senate Status 02/11/2011 - Referred to Senate Judiciary.

House Status 03/29/2011 - House General Subcommittee of Children & Family Affairs deferred to the first calendar of 2012.

SB126 / HB416 Family Law : Order of protection's effects on custodial arrangements.

Sponsors Sen. Stacey Campfield / Rep. G.A. Hardaway

Description Prohibits custodial arrangements from being changed due to an order of protection against the custodial parent unless the child is the victim of child abuse or the effects of domestic violence.

Senate Status 02/11/2011 - Referred to Senate Judiciary.

House Status 02/16/2011 - Referred to House General Subcommittee of Children & Family Affairs.

SB285 / HB92 Family Law : Expedited hearings for visitation agreement violations.

Sponsors Sen. Mike Bell / Rep. G.A. Hardaway

Description Entitles either party to a visitation agreement to file a petition for an expedited hearing pursuant to the provisions governing expedited hearings for support and reduces period of time for non-compliance with an order of visitation from six months to three months.

Senate Status 02/11/2011 - Referred to Senate Judiciary.

House Status 03/29/2011 - House General Subcommittee of Children & Family Affairs deferred to the first calendar of 2012.

SB286 / HB90 Family Law : Equally shared parenting as standard custody arrangement.

Sponsors Sen. Mike Bell / Rep. G.A. Hardaway

Description Enacts the "Equal and Fair Parenting Act." Creates a rebuttable presumption that equally shared parenting is the custody arrangement in the best interest of a child.

Senate Status 02/11/2011 - Referred to Senate Judiciary.

House Status 03/29/2011 - House General Subcommittee of Children & Family Affairs deferred to the first calendar of 2012.

SB287 / HB85 Family Law : Notice and grounds for termination of parental rights.

Sponsors Sen. Mike Bell / Rep. G.A. Hardaway

Description Extends the definition of "willfully failed to support" as grounds for abandonment for the purpose of terminating the parent/guardian relationship as not only including willful failure to provide monetary support for four consecutive months, but in addition to include failure to provide more than token payments toward the support of the child. Adds to the requirements for a finding of "willful failure to support" that a written court order or ratified permanency plan has required the parent/guardian to pay child support and a written court order has been provided to the parent/guardian that failure to pay child support for four consecutive months constitutes abandonment and can result in termination of the relationship or that diligent efforts were made to provide such written notice at least four months before a petition for termination of parental rights was filed. Adds the same notice requirement to allow a finding of "willfully failed to visit" in the case that there is any pending court action involving paternity, custody, support, or visitation. Includes the alleged biological parents among those whose rights can be terminated for failure to pay a share of the pre or post birth expenses, to provide child support, or to seek visitations. Clarifies that parental rights can be terminated for failure to support regardless of whether or not there is a court order to make payments. Continues to subject only legal parents/guardians, putative fathers, and fathers seeking to establish paternity to termination of parental rights on the grounds of failure to manifest an ability or willingness to assume legal and physical custody of the child, custody would pose a risk of substantial harm to the child, failure to petition to establish paternity after receiving notice of the termination or adoption proceeding, and does not subject an alleged biological parent to termination for any of the above three grounds.

Senate Status 02/11/2011 - Referred to Senate Judiciary.

House Status 03/29/2011 - House General Subcommittee of Children & Family Affairs deferred to the first calendar of 2012.

SB464 / HB415 Family Law : Vacating residence after issuance of order of protection.

Sponsors Sen. Jack Johnson / Rep. Jim Gotto

Description Specifies that an order of protection issued to protect the petitioner from domestic abuse, stalking or domestic assault may require respondent to immediately and temporarily vacate a residence shared with the petitioner pending a hearing on the matter.

Senate Status 05/05/2011 - Senate passed.

House Status 03/21/2011 - House passed 03/21/2011.

Executive Status 05/11/2011 - Sent to governor.

SB475 / HB374 Family Law : Law enforcement requirements regarding orders of protection.

Sponsors Sen. Jamie Woodson / Rep. Ryan A. Haynes

Description Removes the requirement that local law enforcement enter an order of protection or dismissal of order into the Tennessee crime information system.

Senate Status 02/15/2011 - Referred to Senate Judiciary.

House Status 03/02/2011 - Taken off notice in House Judiciary.

SB509 / HB570 Family Law : Petitioner charged costs for certain orders of protection.

Sponsors Sen. Mike Faulk / Rep. Vance Dennis

Description Allows the court to charge a petitioner all costs and fees related to the petitioner seeking an order of protection after the court finds three things after conducting a separate hearing and finding: that the petitioner is not a domestic abuse, stalking, or sexual assault victim; that the reason to not issue or extend the order is based on the petitioner not being one of the previous victims just noted; and that the petition was filed frivolously.

Senate Status 05/09/2011 - Senate non-concurred in House amendment 1.

House Status 05/12/2011 - House deferred to the next available space on the next available message calendar.

SB567 / HB685 Family Law : GPS monitoring as condition of bail.

Sponsors Sen. Andy Berke / Rep. Debra Young Maggart

Description Authorizes the magistrate to order any defendant who is arrested for the offense of stalking or domestic violence to carry or wear a GPS device, which notifies the victim if the defendant is at or near a location the defendant has been refrained from going, and to pay the costs associated with operating that system as a condition of release or bail. Authorizes the magistrate to allow a defendant to perform community service in lieu of paying the cost. Requires the magistrate to afford an alleged victim the opportunity to provide a list of areas from which the victim would like the defendant excludes. Requires the magistrate to provide an alleged victim with the following information: the victim's right to participate or refuse in the GPS monitoring system, the manner in which the GPS device functions, locations the defendant is refrained from going, the procedure the victim is to follow if the defendant violates a condition of bond, and community services available to assist the victim in obtaining shelter. The magistrate must also provide the victim with the name and telephone number of an appropriate person employed by a local law enforcement agency who the victim can call to request immediate assistance.

Senate Status 04/07/2011 - Senate passed with amendment 1, which corrects a code reference.

House Status 05/12/2011 - Set for House General Subcommittee of Finance 05/17/11.

SB721 / HB1106 Family Law : Military parents and child custody.

Sponsors Sen. Jamie Woodson / Rep. Curtis G. Johnson

Description Makes various changes regarding child custody determination for a mobilized member of the armed forces. Provides for an expedited hearing when the exigencies of the mobilized parent's out-of-state assignment require immediate attention. Allows testimony to be given to the court by electronic means while the military parent is absent from the state. Specifies that nothing shall limit the power of a court to permanently modify a decree of child custody or visitation in the event that a parent volunteers for successive or frequent duties that remove the parent from the state and that make the parent unavailable to effectively supervise and care for a child.

Senate Status 03/31/2011 - Senate passed.

House Status 03/21/2011 - House passed 03/21/2011.

Executive Status 04/18/2011 - Enacted as Public Chapter 0086 effective 04/14/2011.

SB803 / HB571 Family Law : Court ordered child custody arrangements.

Sponsors Sen. Andy Berke / Rep. Vance Dennis

Description Requires a court to order a child custody arrangement that allows both parents to enjoy the maximum amount of participation possible in the child's life while taking into account the child's best interest, the locations of both the parent's residences, and the child's need for stability among other factors.

Senate Status 05/12/2011 - Senate deferred to 05/18/2011.

House Status 04/04/2011 - House passed on 04/04/2011.

SB863 / HB747 Family Law : Ex parte orders of protection.

Sponsors Sen. Rusty Crowe / Rep. Matthew Hill

Description Increases the amount of days allowed for a hearing to take place following service of a protection order from 15 to 28 days. Requires a law enforcement officer to file a report with their supervisor when probable cause exists to believe a person is a victim of domestic abuse, stalking, or sexual assault. Requires the report be transferred to a judge who may then issue an ex parte order of protection upon a showing of good cause. Adds language relating to the rules governing protection order hearings to be included on protection orders issued on or after July 1, 2011.

Senate Status 02/25/2011 - Referred to Senate Judiciary.

House Status 02/23/2011 - Referred to House General Subcommittee of Judiciary.

SB865 / HB746 Family Law : Orders of protection.

Sponsors Sen. Rusty Crowe / Rep. Matthew Hill

Description Increases the number of days within which a hearing must take place following service of a protection order from 15 to 28 days. Requires the court, if extending an order of protection at the end of a hearing, to make specific findings of fact that a person has committed domestic abuse. Makes subject to arrest any person who violates an order of protection, including an ex parte order of protection. Requires a law enforcement officer to file a report with their supervisor when probable cause exists to believe a person is a victim of domestic abuse, stalking, or sexual assault. Requires the report be transmitted to a judge who may then issue an ex parte order of protection upon a showing of good cause. Adds language relating to the rules governing protection order hearings to be included on protection orders issued on or after July 1, 2011.

Senate Status 02/25/2011 - Referred to Senate Judiciary.

House Status 02/23/2011 - Referred to House General Subcommittee of Judiciary.

SB1130 / HB1320 Family Law : Parenting plans when domestic violence is involved.

Sponsors Sen. Beverly Marrero / Rep. Sherry Jones

Description Creates a presumption that a parent with a history of specified abuse shall not be

awarded sole or joint custody of a child in all proceedings in which child custody is an issue, subject to rebuttal by proof of specified facts. Creates a presumption that supervised visitation only is in the best interest of the child when parents have committed sexual abuse or incest. Clarifies that mediation shall not be used to resolve custody disputes in cases of domestic or family violence. Deletes and makes additions to the list of conduct giving cause to limit a parent's custody or visitation rights and prohibits the granting of sole or joint custody to any parent who has engaged in such specified conduct. Creates a presumption a parent had good cause to withhold a child when the other parent has engaged in specified conduct. Creates a presumption supervised contact is required for convicted parents. Excuses violence and abuse victims from court costs associated with child custody issues. Requires all custody and visitation orders include a restraining order that prohibits specified contact and communication in cases involving domestic violence. Authorizes the court to award sole custody to a third party or the parent least likely to abuse when both parents have a history of abuse and requires the court to mandate completion of an intervention program by the custodial parent. Removes a provision prohibiting courts ordering permanent parenting plans from drawing any presumptions from temporary orders. Removes authorization of the use of evidence submitted by a guardian ad litem in custody cases. Requires current training be maintained by mental health professionals assisting in domestic violence cases.

Senate Status 02/28/2011 - Referred to Senate Judiciary.

House Status 03/29/2011 - Taken off notice in House General Subcommittee of Children & Family Affairs

SB1149 / HB1329 Family Law : Contact with victims of child abuse.

Sponsors Sen. Dolores R. Gresham / Rep. Sherry Jones

Description Authorizes the court to prohibit a person convicted of child abuse from having any contact with the victim of the offense, provided that the person has no parental rights to such victim at the time of the court's order. Broadly captioned.

Senate Status 05/11/2011 - Senate Judiciary recommended. Sent to Calendar Committee.

House Status 04/21/2011 - House passed.

SB1150 / HB1332 Family Law : Custody of abused children.

Sponsors Sen. Dolores R. Gresham / Rep. Sherry Jones

Description Requires that there be a rebuttable presumption that returning an abused or neglected child to the custody of an abusive or neglectful parent is not in the best interest of the child. Requires that the presumption only be rebutted by a court finding that the parent has spent at least one year in counseling with a trained mental health professional, who must also testify before the court that the parent is no longer a threat to the child.

Senate Status 05/10/2011 - Senate Judiciary recommended with amendment 1.

House Status 05/02/2011 - House passed with amendment 2.

SB1172 / HB714 Family Law : Support payments and rights of non-custodial parents.

Sponsors Sen. Andy Berke / Rep. Harry Brooks

Description Clarifies the definition of "dissipation" in regards to equitable division of marital property as wasteful expenditures before or after the marriage the other spouse could not have reasonably known of and were made for purposes unrelated to the marriage. Excludes periodic payments from retirement and pension benefits from being considered when determining an ex-spouse's right to receive alimony or child support. Includes in the determination of alimony and child support rights lump sums in individual retirement accounts but not the income generated off of investment of such lump sums. Expands the rights of non-custodial, biological parents to include, in addition to currently enumerated rights, the right to 48 hour notice of and to participate in specified extra-curricular activities, to receive an

itinerary for out-of-state trips exceeding two days, and the right to access and participation in education. Clarifies that a person or corporation in contempt of court can be fined for each day in contempt until damages ordered by the court are paid in addition to performing acts ordered by the court.

Senate Status 04/04/2011 - Senate passed with amendments 1 and 2.

House Status 04/11/2011 - House passed.

Executive Status 04/27/2011 - Enacted as Public Chapter 0119 effective 04/25/2011.

SB1339 / HB1793 Family Law : Domestic violence counseling prior to hearing.

Sponsors Sen. Stacey Campfield / Rep. G.A. Hardaway

Description Requires a victim of domestic violence who petitions for an order of protection and respondent to attend one hour of domestic violence counseling prior to hearing on the order. Clarifies that the victim and respondent are not required to attend the domestic counseling sessions together or in the same location as the same time. Requires costs of counseling to be assessed against the respondent in certain cases.

Senate Status 03/01/2011 - Referred to Senate Judiciary.

House Status 04/20/2011 - Taken off notice in House General Subcommittee of Judiciary.

SB1340 / HB1790 Family Law : Orders of protection - mandatory counseling for violator.

Sponsors Sen. Stacey Campfield / Rep. G.A. Hardaway

Description Allows a court to order mandatory counseling for a first time violator of an order of protection and optional counseling for the victim. Requires the costs of the counseling to be paid by the defendant unless the defendant is indigent. Specifies that the defendant may be fined \$3,000 for each subsequent violation of the order of protection.

Senate Status 03/01/2011 - Referred to Senate Judiciary.

House Status 04/27/2011 - House General Subcommittee of Judiciary deferred to 2012.

SB1492 / HB1918 Family Law : Juvenile court to determine whether a parent is indigent.

Sponsors Sen. Beverly Marrero / Rep. Mike Stewart

Description Allows juvenile court to hold a hearing and take testimony if necessary to determine the ability of child's parent to pay for all or part of costs associated with the child's placement in a secure juvenile detention facility. Prohibits a parent who is indigent from being required to pay. Broadly captioned.

Senate Status 03/01/2011 - Referred to Senate Judiciary.

House Status 03/01/2011 - Referred to House General Subcommittee of Judiciary.

SB1535 / HB2006 Family Law : Proper venue for children's services certain proceedings.

Sponsors Sen. Mark S. Norris / Rep. Gerald McCormick

Description Specifies the proper venue for proceedings in which a child who is in the custody of the department of children's services is alleged to be unruly to be either the court exercising exclusive original jurisdiction or in the court which issued the order granting custody to the department. (Part of Administration Package)

Senate Status 05/09/2011 - Senate passed.

House Status 04/04/2011 - House passed on 04/04/2011.

Executive Status 05/11/2011 - Sent to governor.

SB1852 / HB1698 Family Law : Grandparent visitation.

Sponsors Sen. Rusty Crowe / Rep. Matthew Hill

Description Requires the court to consider the following matters in determining the best interests of child for grandparent visitation: if the child's parent deprives the grandparent of the opportunity to see the child, including denying visitation for more than 90 days, if the grandparent maintained a relationship similar to a parent-child relationship, if awarding grandparent visitation would interfere with the parent's relationship with the child, if the court finds by clear and convincing evidence that

the child's parents are unfit or if the court finds by clear and convincing evidence that there are compelling circumstances to overcome the presumption that the objection of the custodial parent is in the child's best interest. Removes current law's requirements that the court consider preference of the child if the child is sufficiently mature, the good faith of the grandparent, and whether a parent is divorced or deceased. Allows the judge to award attorney's fees and costs to the prevailing party.

Senate Status 05/11/2011 - Senate Judiciary recommended with amendment 1 as amended.

House Status 05/09/2011 - House passed with amendment 1. House amendment 1 rewrites the bill. Adds four factors to the current list of factors a court is required to consider in determining the best interests of a child in regards to granting grandparent visitations instead of replacing the current statutory requirements altogether. Permits the court to award attorneys fees to the prevailing party.

SB2034 / HB1220 Family Law : Preference of child regarding relocation of parent.

Sponsors Sen. Ophelia Ford / Rep. Karen D. Camper

Description Requires the court to consider when applicable the reasonable preference of a child, who is 10 instead of 12, when determining whether to allow a custodial parent to relocate more than 100 miles from the noncustodial parent.

Senate Status 03/02/2011 - Referred to Senate Judiciary.

House Status 04/05/2011 - Taken off notice in House General Subcommittee of Children & Family Affairs till 2012.

Government Organization - 5

HB1099 Government Organization: Attorney general availability for hearing on legislation.

Sponsors Rep. Richard Montgomery

Description Requires the attorney general, or the attorney general's designee, to be available for comment and testimony on pending legislation when time prevents issuance of a written opinion. Broadly captioned.

Senate Status *None*

House Status 02/24/2011 - Referred to House Judiciary.

SJR23 Government Organization: Constitutional amendment - election of attorney general.

Sponsors Sen. Mae Beavers

Description Proposes a constitutional amendment to provide for the popular election of the attorney general and reporter for the state.

Senate Status 05/12/2011 - Set for Senate Finance, Ways & Means Committee 05/17/11.

House Status *None*

SB147 / HB261 Government Organization: Sunset - judicial council.

Sponsors Sen. Bo Watson / Rep. Jim Cobb

Description Creates sunrise provision for the judicial council, June 30, 2013. Removes authority for the council to draft amendments or comment on bills brought before the council.

Senate Status 02/09/2011 - Referred to Senate Government Operations.

House Status 02/15/2011 - Taken off notice in House Government Operations.

SB155 / HB264 Government Organization: Governor appointments for board of examiners in psychology.

Sponsors Sen. Bo Watson / Rep. Jim Cobb

Description Permits rather than requires the governor when filling vacancies in the board of examiners in psychology to appoint members from a list of academic and practicing psychologists composed by the Tennessee Psychological Association.

Senate Status 05/04/2011 - Senate Government Operations recommended with amendment 1.

House Status 02/09/2011 - Referred to House Government Operations.

SB508 / HB216 Government Organization: Committee to Study A Second Chance for Ex-Offenders.

Sponsors Sen. Beverly Marrero / Rep. G.A. Hardaway

Description Creates a special joint committee known as the "Committee to Study a Second Chance for Ex-Offenders." Requires such committee to study TN laws affecting ex-offenders who are released from incarceration at the conclusion of their sentences and amendment of such laws to ensure such ex-offenders can re-enter the community in a manner that fosters their success and discourages recidivism. Requires the committee to consist of three members of the house of representatives and three members of the senate. Requires the commissioners of correction, economic and community development, and labor and workforce development to serve as ex officio voting members of the committee. Broadly captioned.

Senate Status 02/15/2011 - Referred to Senate Delayed Bills Committee.

House Status 04/06/2011 - Taken off notice in House General Subcommittee of State & Local Government

Health Care - 4

SB132 Health Care: Required information for birth certificates.

Sponsors Sen. Stacey Campfield

Description Changes definitions related to birth certificates and verification documentation. Requires the mother to present her verification documentation before receiving the child's birth certificate, unless the father provides his verification documentation, signs an attestation of personal data, signs a sworn acknowledgment of paternity, and signs an agreement to provide financial support for such child until the child's eighteenth birthday. Prohibits birth certificates or disclosure of certain birth information when verification documentation is not provided.

Senate Status 02/11/2011 - Referred to Senate Judiciary.

House Status *None*

SB484 / HB1158 Health Care: TN Patient & Quality Improvement Act of 2011.

Sponsors Sen. Doug Overbey / Rep. Vance Dennis

Description Establishes the "TN Patient Safety and Quality Improvement Act of 2011." Encourages the improvement of patient safety and quality. Defines "quality improvement committee" or "QIC" as a committee formed by a health care organization for the purpose of evaluating the safety, quality, processes, cost, or necessity of health care services by performing functions including, but not limited to: evaluation of qualifications and competence of health care providers or the discipline of any individual health care provider, reduction of morbidity or mortality, establishment and enforcement of guidelines designed to keep the cost of health care within reasonable bounds, research, evaluation of the quality and timeliness of the health care services rendered to patients, and improvement of methods and procedures being utilized. Requires records of a QIC to be confidential and privileged and must be protected from direct or indirect means of discovery. Prohibits any information not produced for use by a QIC from being construed as immune from discovery or use in any judicial or administrative proceedings merely because such information was presented during proceeding of such committee.

Senate Status 03/24/2011 - Senate passed with amendment 1, as amended. (see amendment field for summary.)

House Status 03/28/2011 - House passed on 03/28/2011.

Executive Status 04/13/2011 - Enacted as Public Chapter 0067 effective 04/12/2011.

SB608 / HB683 Health Care: Court-ordered assisted outpatient treatment.

Sponsors Sen. Doug Overbey / Rep. Debra Young Maggart

Description Authorizes a court to order a proposed patient to receive outpatient treatment for

severe and persistent mental illnesses that is 18 years of age or older and meets specified requirements concerning the necessity of treatment and the likely impact it will have. Provides a list of those who can apply and requires a physician affidavit confirming an examination or an attempt of an examination occurred. Requires a treatment plan is submitted if an examination has occurred within 10 days prior to application containing specified information based on the patient's needs and continued active participation of the examining physician. Grants the proposed patient the right to appointed counsel at all stages of the proceeding. Provides various rules and requirements regarding; hearing dates, adjournment, notice, court attendance, involuntary detention or examinations, testimonies of physicians, dismissals without prejudice, standards of proof, evidence, witnesses and cross-examinations, and confidentiality of hearings. Prohibits the court from ordering outpatient treatment in excess of one year and permits applications to extend treatment. Requires the department to cover costs for indigent patients, and permits emergency detention for patients failing to comply with the court order. Allows the commissioner of mental health to implement rules and regulations to assist court ordered outpatient treatment. (pp 10.)

Senate Status 04/20/2011 - Taken off notice in Senate General Welfare.

House Status 04/12/2011 - House General Subcommittee of Health & Human Resources deferred to summer study.

SB1453 / HB1092 Health Care: Assisted outpatient treatment.

Sponsors Sen. Doug Overbey / Rep. Jeanne Richardson

Description Allows assisted outpatient treatment as an alternative form of mandatory outpatient treatment. Allows directors of certain facilities to operate or supervise such treatment. Specifies that such treatment may include medication, blood tests or urinalysis to ensure the taking of medication, group and individual counseling. Specifies that only certain patients may receive such treatment. Establishes procedure to get court approval of such treatment, including affidavit of treating physician explaining that treatment may help the patient. Establishes procedure for reviewing such court orders. (16 pp.)

Senate Status 03/01/2011 - Referred to Senate General Welfare.

House Status 04/05/2011 - Taken off notice in House General Subcommittee of Health & Human Resources

Insurance General - 1

SB698 / HB756 Insurance General: Study on the cost of civil litigation in TN.

Sponsors Sen. Mike Faulk / Rep. Mike Stewart

Description Requires the commissioner of commerce and insurance to develop and implement a reporting plan whereby the department of commerce and insurance must track and study the cost of civil litigation brought in TN as compared to the cost brought in other states and the federal system. Requires the commissioner to submit an annual report to the speakers of the senate and the house summarizing the finding of the plan. Requires the annual report to be submitted on or before November 1st of each year. Requires that any cost associated with the implementation of the plan to be paid out of existing reserves of the insurance division of the department of commerce and insurance.

Senate Status 02/25/2011 - Referred to Senate Commerce, Labor & Agriculture.

House Status 02/23/2011 - Referred to House General Subcommittee of Judiciary.

Judiciary - 35

SB41 Judiciary: Admissible evidence: certain officer training required.

Sponsors Sen. Mike Faulk

Description Requires evidence related to devices measuring vehicle speeds and devices measuring a person's intoxication are only admissible when a law enforcement

officer introduces them, and the officer has been trained according to guidelines by the National Highway Traffic Safety Administration or the Tennessee peace officer standards and training commission.

Senate Status 02/22/2011 - Senate Judiciary deferred to 3/8/11.

House Status *None*

SJR45 Judiciary: Constitutional amendment - compensation of judges.

Sponsors Sen. Mae Beavers

Description Proposes an amendment to Article VI, Section 7 of the Tennessee Constitution, to authorize diminishment of compensation as a sanction for judicial misconduct in office.

Senate Status 05/11/2011 - Senate Judiciary deferred to next meeting.

House Status *None*

SB82 / HB1017 Judiciary: Expands governor's power to appoint appellate court judge.

Sponsors Sen. Mike Faulk / Rep. Jon Lundberg

Description Permits the governor to fill a vacancy in the office of an appellate court by appointing any person who is duly licensed to practice in this state and who is fully qualified under the law of this state if the governor is not satisfied with the list of nominees submitted by the judicial selection commission. Also permits the governor to fill the position by appointment if the commission does not furnish a list of nominees within 60 days after receiving written notice from the governor that a vacancy has occurred. However, if the governor appoints a judge who is not from the list of nominees submitted by the commission, the judge appointed shall run in a contested election.

Senate Status 02/07/2011 - Referred to Senate Judiciary.

House Status 02/24/2011 - Referred to House Judiciary.

SB121 / HB420 Judiciary: Allows one automatic recusal of judge in a divorce case.

Sponsors Sen. Stacey Campfield / Rep. G.A. Hardaway

Description Authorizes defendant in divorce case to request one automatic recusal of the judge assigned to hear the case. Broadly Captioned.

Senate Status 02/11/2011 - Referred to Senate Judiciary.

House Status 03/29/2011 - House General Subcommittee of Children & Family Affairs deferred to the first calendar of 2012.

SB125 / HB417 Judiciary: Discovery to defend a petition for a protective order.

Sponsors Sen. Stacey Campfield / Rep. G.A. Hardaway

Description Authorizes a person to use discovery to aid the person's defense from a petition for a protective order. Specifies that depositions related to such defense must be conducted by an attorney licensed in this state and over the telephone.

Senate Status 02/11/2011 - Referred to Senate Judiciary.

House Status 04/20/2011 - Taken off notice in House General Subcommittee of Judiciary.

SB127 / HB173 Judiciary: Election of judges.

Sponsors Sen. Stacey Campfield / Rep. Glen Casada

Description Requires election of all judges. Requires that each election term must be eight years. Provides process for judicial vacancies.

Senate Status 05/12/2011 - Set for Senate Finance, Ways & Means Committee 05/17/11.

House Status 05/03/2011 - Taken off notice in House Judiciary.

SB278 / HB1147 Judiciary: Costs for case removal to federal court paid by petitioner.

Sponsors Sen. Andy Berke / Rep. Jim Coley

Description Requires persons petitioning for a case to be removed to federal court to pay all costs associated with removal if the petition is granted.

Senate Status 05/11/2011 - Taken off notice in Senate Judiciary.

House Status 05/04/2011 - House passed.

SB281 / HB231 Judiciary: Nonpartisan elections of supreme court justices.

Sponsors Sen. Mike Bell / Rep. Bill Dunn

Description Provides for election of supreme court justices by districts in nonpartisan elections. Requires general assembly to draw contiguous districts after decennial congressional apportionment. Prohibits candidates from personally soliciting campaign contributions. Prohibits campaign treasurer from disclosing contributions to candidate. In case of vacancies, election would be held at next August election more than 30 days after the vacancy, with the governor to appoint interim successor.

Senate Status 02/09/2011 - Referred to Senate Judiciary.

House Status 02/21/2011 - Referred to House General Subcommittee of Judiciary.

SB282 Judiciary: Members and appointment of court of judiciary restructured.

Sponsors Sen. Mike Bell

Description Changes the appointment structure of the court of the judiciary to have the 16 members appointed as follows: six judges from the court of appeals and criminal appeals to be appointed by the supreme court rather than three, four public members to be appointed by the governor, three public members by the speaker of the senate and three by the speaker of the house. Abolishes the requirement that there be a member appointed by the Tennessee bar association and that three of the members have the status of trial judge, municipal court judge, and juvenile court judge. Orders that the court of the judiciary shall be vacated entirely and replaced under the above guidelines as of midnight on June 30, 2011.

Senate Status 03/14/2011 - Withdrawn in Senate.

House Status None

SB284 Judiciary: Appellate judges retained by 75 percent of persons voting.

Sponsors Sen. Mike Bell

Description Requires appellate judges to be retained by 75 percent of persons voting, instead of a majority of voters. Creates a vacancy within the office when more than 25 percent of the persons voting vote to replace the particular judge.

Senate Status None

House Status None

SB341 / HB323 Judiciary: Background checks on nominees for appellate court judgeship.

Sponsors Sen. Doug Overbey / Rep. Richard Montgomery

Description Requires the TBI to complete background investigations on the panel of nominees for a vacant appellate court judgeship within 90 days of being directed to do so by the governor.

Senate Status 02/11/2011 - Referred to Senate Judiciary.

House Status 02/17/2011 - Referred to House General Subcommittee of Judiciary.

SB349 / HB535 Judiciary: Cost bond signed by attorney in lieu of fees.

Sponsors Sen. Joe M. Haynes / Rep. Mike Stewart

Description Requires clerk to accept cost bond signed by attorney in lieu of party paying fees or clerk must forfeit all costs.

Senate Status 04/11/2011 - Senate passed.

House Status 05/02/2011 - House passed.

Executive Status 05/11/2011 - Sent to governor.

SB360 / HB174 Judiciary: Medical malpractice resulting from emergency care.

Sponsors Sen. Jack Johnson / Rep. Glen Casada

Description Establishes new requirements for medical malpractice actions in an emergency department of a hospital. Establishes the claimant has the burden of proving, by a

preponderance of the evidence, the gross negligence of the defendant. Requires the jury to be further instructed that injury alone does not raise a presumption of the defendant's gross negligence.

Senate Status 02/11/2011 - Referred to Senate Judiciary.

House Status 04/27/2011 - House General Subcommittee of Judiciary deferred to 2012.

SB520 / HB789 Judiciary: Wrongful death on behalf of spouse requirements.

Sponsors Sen. Mike Bell / Rep. Kevin Brooks

Description Creates the rebuttable presumption that prohibits surviving spouses from maintaining wrongful death lawsuits on behalf of their deceased spouses when the surviving spouse has abandoned the deceased spouse for at least two years before the deceased spouse's death.

Senate Status 05/12/2011 - Senate deferred to 05/18/11.

House Status 05/11/2011 - House passed with amendment 1. House amendment 1 deletes the original bill. Prohibits a wrongful death action brought by a surviving spouse who has abandoned or otherwise has been willfully withdrawn from the deceased spouse for at least two years prior to death. In an action under this section, the child or next of kin shall serve the surviving spouse with process as provided in the Rules of Civil Procedure or by constructive service as may otherwise be provided by law.

SB574 / HB1370 Judiciary: Chancery courts to handle certain claims against government.

Sponsors Sen. Andy Berke / Rep. Vance Dennis

Description Extends jurisdiction to chancery courts for certain claims against governmental entities.

Senate Status 05/11/2011 - Failed in Senate Judiciary.

House Status 04/18/2011 - Held on House clerk's desk.

SB576 / HB1355 Judiciary: Jurisdiction of certain claims against the government.

Sponsors Sen. Andy Berke / Rep. Vance Dennis

Description Provides that circuit and chancery courts shall have exclusive jurisdiction over claims filed against governmental entities, and provides that general sessions courts have concurrent jurisdiction with those courts.

Senate Status 05/11/2011 - Taken off notice in Senate Judiciary.

House Status 05/03/2011 - House Judiciary recommended. Sent to Calendar & Rules.

SB639 / HB384 Judiciary: Successful parties in civil actions entitled to full costs.

Sponsors Sen. Jack Johnson / Rep. Pat Marsh

Description Clarifies that successful parties to a civil action are entitled to full costs unless the law states otherwise. Abolishes the use of judicial discretion to adjudge costs or apportion the cost between litigants in a civil action.

Senate Status 02/25/2011 - Referred to Senate Judiciary.

House Status 02/22/2011 - Referred to House General Subcommittee of Judiciary.

SB646 / HB1702 Judiciary: Appellate judge candidacy.

Sponsors Sen. Mike Bell / Rep. Matthew Hill

Description Requires 75 percent of the vote instead of a majority from the people voting to retain an appellate judge for the remainder of an unexpired term or for re-election. Requires 25 percent of those voting instead of 50 percent to replace a candidate for appellate judge.

Senate Status 02/25/2011 - Referred to Senate Judiciary.

House Status 03/03/2011 - Referred to House Judiciary.

SB699 / HB958 Judiciary: Popular election of state judges.

Sponsors Sen. Mike Bell / Rep. Bill Dunn

Description Deletes the requirement that judicial offices placed on the ballot as a yes/no retention question be placed at the end of the ballot. Provides a voting system for

electing justices to the supreme court based on highest number of votes in the state and each grand division. Changes judicial elections to require that state trial courts be elected to full eight year terms by voters of the applicable district and supreme court and appellate judges to be elected to full eight year terms by the entire state. Allows each political party to nominate a candidate for election to the supreme court. Requires persons temporarily filling judicial vacancies until the next election to be licensed to practice law in the state.

Senate Status 02/23/2011 - Referred to Senate Judiciary.

House Status 02/23/2011 - Referred to House General Subcommittee of Judiciary.

SB722 / HB874 Judiciary: Severe child abuse.

Sponsors Sen. Mike Bell / Rep. Harry Brooks

Description Prohibits any severely abused child from being returned to the custody or residence of any person who engaged in or knowingly failed to protect the child from abuse unless the court finds by clear and convincing evidence that the child will be provided a safe home free from further abuse.

Senate Status 02/25/2011 - Referred to Senate Judiciary.

House Status 04/13/2011 - Taken off notice in House Children & Family Affairs.

SB810 / HB807 Judiciary: Extends statutes of limitations and statutes of repose.

Sponsors Sen. Brian K. Kelsey / Rep. Vance Dennis

Description Extends statutes of limitations and statutes of repose if the governor declares a disaster.

Senate Status 02/25/2011 - Referred to Senate General Welfare.

House Status 02/23/2011 - Referred to House General Subcommittee of Judiciary.

SB859 / HB711 Judiciary: Requirements for petitions in juvenile court.

Sponsors Sen. Tim Barnes / Rep. Harry Brooks

Description Requires petitions in juvenile court to contain the name of the person who is alleged to be the child's biological father if applicable. Also requires service of summons on alleged biological father in proceedings where the child is alleged to be a dependent and neglected or abused child. Permits service of summons by electronic means.

Senate Status 03/15/2011 - Taken off notice in Senate Judiciary.

House Status 03/29/2011 - Taken off notice in House General Subcommittee of Children & Family Affairs

SB1094 / HB1366 Judiciary: Investigation of a judge for misconduct.

Sponsors Sen. Mae Beavers / Rep. Vance Dennis

Description Requires certain judicial complaints to be investigated by disciplinary counsel if the complaint establishes probable cause of judicial misconduct, instead of meeting the burden that would cause a reasonable person to believe there is a substantial probability of misconduct. Broadly captioned.

Senate Status 02/28/2011 - Referred to Senate Judiciary.

House Status 05/03/2011 - House Judiciary Committee deferred to 2012.

SB1097 / HB1361 Judiciary: Maintenance of records and documents by court of judiciary.

Sponsors Sen. Mae Beavers / Rep. Vance Dennis

Description Requires all records filed with, created by, or in the possession of the court of the judiciary or the office of investigative counsel to be maintained by the administrative office of the courts for at least eight years from the date of creation or receipt. Requires such records to remain public or confidential records. Changes provisions to allow documents regarding certain charges against judges to be transferred to the administrative office of the courts for storage, instead of destroyed.

Senate Status 02/28/2011 - Referred to Senate Judiciary.

House Status 05/03/2011 - House Judiciary Committee deferred to 2012.

SB1098 / HB1362 Judiciary: Complaints filed with court of the judiciary made public.

Sponsors Sen. Mae Beavers / Rep. Vance Dennis

Description Requires courts to release complaints filed against judges to the public, if the judge leaves the office for any reason other than death before the complaint's dismissal or final disposition.

Senate Status 02/28/2011 - Referred to Senate Judiciary.

House Status 05/03/2011 - House Judiciary Committee deferred to 2012.

SB1099 / HB1363 Judiciary: Rules of the court of the judiciary.

Sponsors Sen. Mae Beavers / Rep. Vance Dennis

Description Provides that rules adopted by the court of the judiciary may not be inconsistent or in conflict with the statutory provisions establishing the court.

Senate Status 04/27/2011 - Senate Judiciary deferred to next week.

House Status 05/03/2011 - House Judiciary Committee deferred to 2012.

SB1111 / HB712 Judiciary: Jurisdiction in juvenile court.

Sponsors Sen. Brian K. Kelsey / Rep. Harry Brooks

Description Grants county juvenile court, in cases of neglect, dependency or abuse proceeding, or an order of protection, temporary jurisdiction upon a petition on behalf of a child in that county even if a proceeding has commenced in another county. Requires the courts to coordinate with one another to resolve any jurisdictional issues, protect the best interests of the child, and determine the duration of any order. Specifies that in other cases, jurisdiction shall continue until a person reaches 18 years of age, rather than 19 years of age.

Senate Status 05/12/2011 - Set for Senate Judiciary Committee 05/17/11.

House Status 04/18/2011 - House passed with amendments 1 and 2. House amendment 1 specifies that juvenile courts have temporary jurisdiction to issue temporary orders upon a petition on behalf of a child present or residing in that county. Allows juvenile courts to have temporary jurisdiction in such cases concerning neglect, dependency, abuse, termination of parental rights, or certain orders of protection. Requires court with temporary jurisdiction to attempt to communicate with prior courts with jurisdiction regarding certain issues. Requires court with temporary jurisdiction's orders to remain effective until court with prior jurisdiction issues an order. Requires court with temporary jurisdiction to specify the period of time the court considers adequate. House amendment 2 requires transfers to be at the sole discretion of the juvenile court. Requires jurisdiction, in all other cases, to continue until a person is no longer a child.

SB1114 / HB1358 Judiciary: Motions for summary judgment.

Sponsors Sen. Brian K. Kelsey / Rep. Vance Dennis

Description Requires the moving party to prevail in its motion for summary judgment if it submits evidence to negate an essential element of the nonmoving party's claim or proves that the nonmoving party's evidence fails to establish an essential element of the nonmoving party's claim.

Senate Status 05/12/2011 - Set for Senate Judiciary Committee 05/17/11.

House Status 05/03/2011 - House Judiciary recommended with amendment 1. Sent to House Calendar & Rules.

SB1164 / HB178 Judiciary: Citizens' Right to Know: Pretrial Release Program.

Sponsors Sen. Mark S. Norris / Rep. Curry Todd

Description Creates a Citizens' Right to Know: Pretrial Release Program as a three year pilot project for all counties with a population over 300,000. Requires the agencies operating under the pilot project to record and report to the judiciary committee their findings regarding the number of defendants recommended for release without

bond, the number who failed to appear, and the number who were rearrested. Requires agencies to report an accounting of the amount of the agency's annual budget used to guide defendants eligible for secured release to obtain release through a non-government sponsored program.

Senate Status 02/28/2011 - Referred to Senate Judiciary.

House Status 05/03/2011 - House Judiciary Committee deferred to 2012.

SB1279 / HB1225 Judiciary: Ineffective attorneys will not receive state funds.

Sponsors Sen. Bill Ketron / Rep. Eddie Bass

Description Prohibits any attorney who has admitted to or has been found by a court of competent jurisdiction to have rendered ineffective assistance of counsel in a criminal case from being paid or reimbursed any funds from the treasury of this state for services or expenses. Requires the attorney to furnish to the administrative office of the courts evidence that he or she has successfully completed the necessary counseling before such attorney is authorized to receive state funds for legal service again.

Senate Status 02/28/2011 - Referred to Senate Judiciary.

House Status 03/02/2011 - Referred to House Judiciary.

SB1294 / HB1255 Judiciary: Probate cases with no order of disposition.

Sponsors Sen. Steve Southerland / Rep. David B. Hawk

Description Places the duty on the clerk of the court to enter an order dismissing probate cases without prejudice in which no order of disposition has been entered, enough time has passed for disposition to occur, eighteen months have passed since the opening of the estate, and the administration of the estate remains incomplete. Specifies that the dismissal only operates to close the estate and does not invalidate any order of the court.

Senate Status 03/01/2011 - Referred to Senate Judiciary.

House Status 04/20/2011 - Taken off notice in House General Subcommittee of Judiciary.

SB1454 / HB1368 Judiciary: Judicial council.

Sponsors Sen. Doug Overbey / Rep. Vance Dennis

Description Recreates the judicial council. Establishes council members. Creates a sunset date of two years. Limits members to two full consecutive terms. Establishes duties of council. Allows members to be compensated for their actual expenses but provides no compensation. Requires clerks of circuit courts and clerks and masters of chancery courts to monthly report certain information to the council. (10 pp.)

Senate Status 03/01/2011 - Referred to Senate Government Operations.

House Status 03/02/2011 - Referred to House Judiciary. House Government Operations will review if recommended.

SB1455 / HB1367 Judiciary: Written response to complaint filed against judge.

Sponsors Sen. Doug Overbey / Rep. Vance Dennis

Description Allows disciplinary counsel to request the judge to file a written response within 20 days, instead of 30 days, after service of the complaint filed against the judge.

Senate Status 03/01/2011 - Referred to Senate Judiciary.

House Status 03/02/2011 - Referred to House Judiciary.

SB1522 / HB2008 Judiciary: Tennessee Civil Justice Act of 2011.

Sponsors Sen. Mark S. Norris / Rep. Gerald McCormick

Description Enacts the "Tennessee Civil Justice Act of 2011." Specifies new venue requirements for any civil suit against a company to no longer include any county in which the business has an agency or office. Reduces from \$75,000,000 to \$25,000,000 the maximum bond a civil litigant must post to appeal a final order and stay execution of the order while on appeal. Establishes a normal rule requiring bond equal to 125% of the judgment, excludes punitive damages from the

calculation of the bond amount and provides for an appeal without the risk of bankruptcy. Clarifies that a civil plaintiff may recover for economic losses incurred but not for charges subject to discounts or forgiveness of such health care charges that would be discounted under a health care plan. Limits non-economic damages to \$750,000 per injured plaintiff outside of the health care liability action context and \$750,000 per occurrence in the health care liability action context. Provides limits for punitive damages at two times compensatory damages or \$500,000 whichever is greater. Prevents punitive damages in products liability actions when the defendant complied with state and federal regulations. Limits liability of a seller of a product except in certain specific circumstances. Enables interlocutory appeal of orders granting or denying class certification and automatic stays. (Part of Administration Package) (13 pp.)

Senate Status 05/12/2011 - Senate passed with amendments 1 and 2.

House Status 05/09/2011 - House passed with amendments 1 and 8.

SB1862 / HB1312 Judiciary: Bail for vehicular assault, vehicular homicide and DUI.

Sponsors Sen. Doug Overbey / Rep. Phillip Johnson

Description Removes the requirement that a court determine whether a defendant is a danger to the community prior to releasing the defendant on bail for being charged with vehicular assault, vehicular homicide or driving under the influence.

Senate Status 05/12/2011 - Set for Senate Judiciary Committee 05/17/11.

House Status 04/07/2011 - Held on House clerk's desk.

Labor Law - 1

SB939 / HB1642 Labor Law: Burden of proof in employment discrimination claims.

Sponsors Sen. Brian K. Kelsey / Rep. Vance Dennis

Description Places specific burdens of proof on persons bringing claims regarding discrimination in employment or retaliatory discharge under specifically listed causes of action such as employment related discrimination, employment discrimination of the disabled, discharge for refusal to participate in illegal activities or remain silent, or discharge for the exercise of constitutional rights and allows the employer to prevail in any such action if they can prove the challenged employment action was based upon a legitimate business purpose.

Senate Status 05/04/2011 - Senate Judiciary deferred to 05/10/2011.

House Status 03/03/2011 - Referred to House Consumer & Employee Affairs.

Local Government - 1

SB54 / HB842 Local Government: Knox County- citations for turning right on red.

Sponsors Sen. Stacey Campfield / Rep. John Ragan

Description Prohibits evidence solely from a traffic surveillance camera from being admitted to prove a traffic citation for not coming to a stop before turning right on red at intersections in Knox County.

Senate Status 04/13/2011 - Taken off notice in Senate Transportation.

House Status 04/12/2011 - House General Subcommittee of Transportation deferred to 2012.

Media & Publishing - 2

SB115 / HB284 Media & Publishing: Electronic Publication of Legal Notices Act.

Sponsors Sen. Stacey Campfield / Rep. Vance Dennis

Description Enacts the Electronic Publication of Legal Notices Act which, creates a pilot project in Knox county to allow legal notices to be posted on the Internet rather than in a newspaper. Establishes the requirements and conditions for publishing such notices on an official government website. Requires the government agency to keep and make available for public inspection all records of complaints and service accessibility failures reported.

Senate Status 04/26/2011 - Senate State & Local Government deferred to summer study.

House Status 04/27/2011 - House General Subcommittee of Judiciary deferred to 2012.

SB906 / HB721 Media & Publishing: Electronic newspapers satisfy county notice requirements.

Sponsors Sen. Bo Watson / Rep. Vince Dean

Description Allows the use of electronically published newspapers to satisfy various notice requirements including notice to creditors of a qualified personal representative, publication of delinquent tax lists, and notice of the sale of land under decree of the court. Provides numerous requirements the electronic newspaper must meet such as the number of resident subscribers, a title connecting the publication to the county, issuance at least once a week, and engaging in informative actions regarding their services.

Senate Status 02/28/2011 - Referred to Senate Judiciary.

House Status 03/07/2011 - Referred to House Judiciary.

Property & Housing - 3

HB68 Property & Housing: Real estate closings required to be attorney supervised.

Sponsors Rep. G.A. Hardaway

Description Requires all real estate closings under the Tennessee Home Loan Protection Act to be attorney supervised closings. Specifies that only attorneys with sufficient errors and omission insurance, as set annually by the commissioner of financial institutions, shall be authorized to act as supervising attorneys.

Senate Status None

House Status 02/09/2011 - Caption bill held on House clerk's desk.

SB1731 / HB67 Property & Housing: Deeds of trust.

Sponsors Sen. Reginald Tate / Rep. G.A. Hardaway

Description Requires an assignment of a deed of trust to be properly recorded with the register of deeds within 10 days of the date of assignment. Broadly captioned.

Senate Status 03/04/2011 - Referred to Senate Commerce, Labor & Agriculture.

House Status 02/09/2011 - Caption bill held on House clerk's desk.

SB2051 / HB22 Property & Housing: Writs of possession: changes and requirements.

Sponsors Sen. Ophelia Ford / Rep. G.A. Hardaway

Description Requires 24-hour written notice of approximate time of removal pursuant to writ of possession related to a forcible entry and detainer or ejectment. Requires the removal of such property according to the writ of possession to occur between 8 am and 5 pm. Requires plaintiff to create an inventory list, explain existing damage to defendant's property, and sign the document with the sheriff executing the such writ of possession. Holds plaintiff liable for damages to defendant's removed personal property if notice requirements are not followed. Requires writs of possession related to ejectment to be issued 10 or more days after the court order.

Senate Status 04/19/2011 - Taken off notice in Senate Commerce, Labor & Agriculture.

House Status 04/12/2011 - House General Subcommittee of Judiciary deferred to 2012.

Public Employees - 3

SB76 / HB534 Public Employees: Revised Uniform Law on Notarial Acts.

Sponsors Sen. Doug Overbey / Rep. Mike Stewart

Description Specifies duties of a notarial officer and method by which a person becomes a notary public. Requires the governor to maintain an electronic database of notaries public. Establishes that a notarial act performed in another state, in the jurisdiction of a federally recognized Indian tribe, under federal law, in the jurisdiction of a foreign state or constituent unit of the foreign state or is performed under the authority of a multinational or international governmental organization, has the same effect as if performed by a TN notary. Clarifies that a commission as a notary public does not authorize an individual to practice law or give legal advice, act as

an immigration consultant, represent a person in citizenship matters or receive compensation for notarial duties. (19 pp.)

Senate Status 02/07/2011 - Referred to Senate Judiciary.

House Status 02/21/2011 - Referred to House General Subcommittee of Judiciary.

SB1211 / HB1073 Public Employees: Creates office of solicitor general.

Sponsors Sen. Ken Yager / Rep. Barrett Rich

Description Creates the office of solicitor general of Tennessee. Requires that the solicitor general be elected by popular vote beginning in the November 2012 election, serve a four year term for a maximum of two consecutive terms, and meet specified qualifications. Requires the solicitor general to perform enumerated duties currently placed on the attorney general and reporter concerning representation of state agencies and investigative authority. Provides rules governing the solicitor's compensation and filling office vacancies. Requires personnel, equipment and resources associated with the duties assigned to the solicitor general to be transferred from the office of the attorney general. Directs the Tennessee Code Commission to reorganize the location of provisions regarding the attorney general and reporter.

Senate Status 02/24/2011 - Referred to Senate Government Operations.

House Status 04/06/2011 - House General Subcommittee of Judiciary deferred to 2012.

SB1574 / HB1623 Public Employees: Executive director of district public defenders conference.

Sponsors Sen. Mae Beavers / Rep. Eric Watson

Description Removes the following responsibilities of the executive director of the District Public Defenders Conference (DPDC): administer the accounts of the judicial branch of government relating to the DPDC; prepare, approve, and submit budget estimates and appropriations necessary for the maintenance and operation of the offices of district public defenders; approve all requisitions for the payment of public moneys appropriated for the maintenance and operation of the judicial branch of government; audit claims, and prepare vouchers for payment; and provide the district public defenders with minimum law libraries.

Senate Status 03/01/2011 - Referred to Senate Judiciary.

House Status 03/01/2011 - Referred to House General Subcommittee of Judiciary.

Retail Trade - 1

SB251 / HB294 Retail Trade: Safe Access to Medical Cannabis Act.

Sponsors Sen. Beverly Marrero / Rep. Jeanne Richardson

Description Establishes the "Safe Access to Medical Cannabis Act." Provides a form of registration for a patient who has been diagnosed by a practitioner with a qualifying medical condition to receive medical marijuana. Specifies qualifying medical conditions include cancer; glaucoma; positive status for HIV; AIDS; Hepatitis C; cachexia; wasting syndrome; severe, debilitating, chronic pain; severe nausea; seizures; muscle spasms; ALS or any other medical condition which results in enrollment in a hospice program. Requires qualifying patients receive a prescription for medical cannabis from a practitioner verifying that the potential benefits would likely outweigh the health risks for that patient. (24 pp.)

Senate Status 02/09/2011 - Referred to Senate Government Operations.

House Status 02/09/2011 - Referred to House General Subcommittee of Health & Human Resources.

Tort Liability - 6

SB101 / HB1640 Tort Liability: Claims against nursing home classified as malpractice suit.

Sponsors Sen. Mark S. Norris / Rep. Vance Dennis

Description Broadens the category of medical malpractice to include any civil action against a licensed nursing home, assisted-living facility, or home for the aged including

actions against the employees providing healthcare services. Broadly captioned.

Senate Status 02/11/2011 - Referred to Senate Judiciary.

House Status 03/03/2011 - Referred to House Judiciary.

SB238 / HB286 Tort Liability: Jobs Creation Lawsuit Reform Act.

Sponsors Sen. Brian K. Kelsey / Rep. Vance Dennis

Description Defines "health care provider" and "health care liability action". Requires that compensation for reasonable attorney's fees, in the event an employment contract exists between the claimant and claimant's attorney, be awarded to the claimant's attorney in a health care liability action in an amount to be determined by the court with consideration to established limitations. Broadly captioned.

Senate Status 02/09/2011 - Referred to Senate Judiciary.

House Status 03/04/2011 - Referred to House Judiciary.

SB249 / HB183 Tort Liability: Tort Reform- Medical Malpractice & Products Liability.

Sponsors Sen. Jack Johnson / Rep. Charles M. Sargent

Description Creates the Private Attorney Retention Sunshine Act which requires state agencies obtaining legal services to conduct an open bidding process for services, seek general assembly approval for contracts over \$1,000,000, and prohibits legal fees exceeding \$1,000 per hour. Creates the Asbestos Claims Priority Act which prohibits the filing of specific asbestosis related claims including nonmalignant conditions, asbestos related cancer, mesothelioma, and wrongful death unless specific and enumerated prima facie evidence is shown by medical report and filed within 120 days of filing the complaint. Restricts premises owner liability for asbestos exposure on their property, and limits jurisdiction of Tennessee courts over asbestos claims. Creates the Innocent Successor Asbestos-Related Liability Fairness Act. Sets a maximum amount of liability placed on corporations that have incurred or assumed asbestos related liability as a result of a merger or consolidation prior to January 1, 1972. Redefines and expands the definition and requirements of a products liability claim including what constitutes defective and unreasonably dangerous, the burden of proof, requisite knowledge of both the plaintiff and the defendant, actions or knowledge by the plaintiff that absolve a defendant of liability, seller versus manufacturer liability, and seller indemnity. Creates a rebuttable presumption that when a seller or manufacturer is in compliance with applicable federal law a product is not considered to be defective. Replaces the term "Medical malpractice" with "Health care liability action" which clarifies the cause of action as limited to any civil action against a health care provider alleging injury related to the provision or failure to provide health care. Requires, rather than permits, a plaintiff in a health care liability action to include a demand for a specific sum in their complaint and limits suits against attorneys for failure to collect the demanded amount. Requires that a plaintiff file a HIPPA-complaint medical authorization form with their petition in a health care liability action. Allows an award of \$75,000 or more in a health care liability action be made in periodic payments per court order and by party request. Restricts the amount of fees an attorney can collect in a health care liability action when employment contract was based on a contingent fee from a maximum of thirty three and one third percent of the damage award to various percentages based on the recovery amount, starting with forty percent of the first \$50,000. Requires, subject to judicial waiver, an expert witness to have been practicing in the same specialty as the defendant to testify to duty and breach in a health care liability action. Prohibits specific expressive conduct and offers to correct from being used as evidence of an admission of fault against health care providers in suits and other disciplinary proceedings concerning unexpected results from medical treatment. Limits the amount of bond or other security a health care provider must post when an appeal is pending to no more than \$1,000,000. Clarifies that groups qualifying as medical or peer review committees that provide review for the professional conduct and

competency of peers are not limited to those listed in the code. Places the maximum amount of noneconomic damages recoverable under a civil action at \$250,000 per person, \$500,000 per occurrence, or a specified number based on the amount of full-time employees the defendant employs and restricts the award of punitive damages for claims involving drugs and devices. Redefines economic damages to include provisions regarding expenses forgiven, discounted, or covered by private insurance. Requires the plaintiff to show an actual out-of-pocket loss to recover any damages and prove causation in a suit for unfair or deceptive acts or practices. (pp 40.)

Senate Status 02/09/2011 - Referred to Senate Judiciary.

House Status 02/14/2011 - Referred to House General Subcommittee of Judiciary.

SB250 / HB182 Tort Liability: Changes to venue, damages, and certain civil actions.

Sponsors Sen. Jack Johnson / Rep. Charles M. Sargent

Description Specifies that venue in transitory civil actions may be in a county where a substantial act, omission, or event allegedly occurred, instead of where the action arose. Specifies that venue for corporations in transitory civil actions may be in a county where the principal place of business is located. Removes venue for corporations within counties where the corporation has an office or agency located. Requires that each joined plaintiff must independently establish venue. Requires courts to dismiss certain claims, instead of adjudicating under forum non conveniens. Requires courts to consider certain factors when considering to dismiss an action or transfer venue under forum non conveniens. Specifies that it is a Class A misdemeanor to prevent a juror from serving jury duty or to require a juror to use annual, vacation, or sick leave to respond to a summons. Alters joint and several liability on multiple tortfeasors. Caps noneconomic damages at 500,000 dollars in medical malpractice lawsuits. Alters product liability actions to require the plaintiff to prove certain additional evidence, allow the product seller to be indemnified by the manufacturer in certain situations. Caps noneconomic damages at 1,000,000 dollars on all civil actions. Prohibits property owners or occupants from liability regarding certain injuries to independent contractors occurring on the property. Specifies how and when punitive damages can be awarded in certain actions. Caps punitive damages in certain actions at an amount depending on the defendant's net worth. (15 pp.)

Senate Status 02/09/2011 - Referred to Senate Judiciary.

House Status 02/14/2011 - Referred to House General Subcommittee of Judiciary.

SB386 / HB363 Tort Liability: Jobs Creation Lawsuit Reform Act.

Sponsors Sen. Brian K. Kelsey / Rep. Vance Dennis

Description Enacts the "Jobs Creation Lawsuit Reform Act." Caps the reasonable attorney fees in medical liability/malpractice actions to 40 percent of the first 50,000 dollars in damages recovered, 33 and one-third percent of the next \$50,000 in damages recovered, 25 percent of the next \$500,000 in damages recovered, and 15 percent of any amount by which the recovery exceeds \$600,000. (Broadly captioned.)

Senate Status 02/11/2011 - Referred to Senate Judiciary.

House Status 02/17/2011 - Referred to House General Subcommittee of Judiciary.

SB696 / HB1018 Tort Liability: Punitive damages in civil actions.

Sponsors Sen. Mike Faulk / Rep. Vance Dennis

Description Declares as reasonable attorney's fees of up to one-third the amount of a punitive damages award. Requires that any award of punitive damages in a civil action be divided equally between the plaintiff and the state. Specifies that the state's portion may be applied as an offset against the amount of fees charged the state and that moneys beyond that will be deposited in a civil reparations trust fund, to provide grants to indigent civil litigation programs. Defers collection of punitive damages until all other judgments in a civil action are fully paid. Broadly captioned.

Senate Status 05/04/2011 - Taken off notice in Senate Judiciary.

House Status 04/21/2011 - Re-referred to House Finance, Ways & Means.

Transportation General - 1

SB97 / HB342 Transportation General: No new contracts for traffic surveillance speed cameras.

Sponsors Sen. Jim Tracy / Rep. Bill W. Harmon

Description Prohibits municipalities and counties from creating new contracts with organizations that install or maintain traffic surveillance cameras that monitor speed after July 1, 2011.

Senate Status 02/11/2011 - Referred to Senate Transportation.

House Status 04/12/2011 - House General Subcommittee of Transportation deferred to 2012.

Transportation Vehicles - 22

HB141 Transportation Vehicles: DUI with child under 18 in the car.

Sponsors Rep. Tony Shipley

Description Increases the penalty for the offense of DUI with a child under 18 years of age in the car to a Class E felony. Requires the court to report to the department of children's services the name of any person convicted of DUI who, at the time of such violation, was accompanied by a child under the age of 18 and the person was the parent or legal guardian of such child.

Senate Status *None*

House Status 02/14/2011 - Referred to House General Subcommittee of Judiciary.

HB61 Transportation Vehicles: Speeding tickets based on evidence from traffic camera.

Sponsors Rep. Ryan A. Haynes

Description Prohibits the issuance of speeding tickets based solely on evidence from traffic surveillance cameras.

Senate Status *None*

House Status 02/09/2011 - Referred to House General Subcommittee of Transportation.

HB62 Transportation Vehicles: Payment of traffic citations based on surveillance cameras.

Sponsors Rep. Ryan A. Haynes

Description Specifies that traffic citation from traffic enforcement camera may be paid by mail or in person within the jurisdiction of the surveillance camera's governing body within 30 days of the mailing of the notice.

Senate Status *None*

House Status 03/02/2011 - Set for House Calendar & Rules. 03/03/11

HB63 Transportation Vehicles: Review of video evidence from traffic enforcement camera.

Sponsors Rep. Ryan A. Haynes

Description Requires police officer, instead of law enforcement office employee, to review video evidence from traffic enforcement surveillance camera and to make determination as to whether or not a violation has occurred.

Senate Status *None*

House Status 02/09/2011 - Referred to House General Subcommittee of Transportation.

HB64 Transportation Vehicles: Stopping of vehicle making right turn on red.

Sponsors Rep. Ryan A. Haynes

Description Removes requirement that vehicle making right turn on red signal come to full and complete stop prior to making such turn. Instead, requires vehicle making right turn on red signal to yield the right-of-way to pedestrians and cross traffic and to make sure that turn will not endanger other traffic lawfully using the intersection.

Senate Status *None*

House Status 02/09/2011 - Referred to House General Subcommittee of Transportation.

HB65 Transportation Vehicles: Revenue generated from traffic enforcement cameras.

Sponsors Rep. Ryan A. Haynes
Description Prohibits a municipality or county from using any revenue generated from traffic enforcement cameras for operational expenses of the traffic enforcement camera program. Requires the governing body of the municipality or county to designate eligible nonprofit organizations to receive all such revenue.
Senate Status *None*
House Status 02/09/2011 - Referred to House General Subcommittee of State & Local Government.

HB139 Transportation Vehicles: Ignition interlock devices and DUI enhancement.

Sponsors Rep. Tony Shipley
Description Lowers the blood alcohol concentration used as a DUI enhancement that would require an ignition interlock device from .15 percent to .08 percent. Removes other factors used for DUI enhancements that would require an ignition interlock device relative to implied consent.
Senate Status *None*
House Status 02/14/2011 - Referred to House General Subcommittee of Judiciary.

SB20 / HB379 Transportation Vehicles: Traffic citations based on surveillance cameras.

Sponsors Sen. Steve Southerland / Rep. David B. Hawk
Description Requires notices of citations based on surveillance cameras to include a separate notice stating the owner's right to view the evidence. Prohibits penalties from being assessed for nonpayment of such citation if notice of owner's right is not included. Adds to exemptions from such citation: vehicles moving through an intersection at the direction of a law enforcement officer and vehicles moving through the intersection to clear the way for a funeral procession. Requires reporting by cities and counties operating traffic enforcement camera programs.
Senate Status 01/21/2011 - Referred to Senate Transportation.
House Status 02/17/2011 - Referred to House General Subcommittee of Transportation.

SB36 / HB50 Transportation Vehicles: Passenger in car cannot have an open container of alcohol.

Sponsors Sen. Mike Faulk / Rep. Jon Lundberg
Description Creates a Class C misdemeanor, punishable by a fine of 50 dollars, when a person has an open container of alcohol within the passenger area of a motor vehicle on the public highway.
Senate Status 03/15/2011 - Senate Judiciary deferred to 03/22/2011.
House Status 03/30/2011 - Taken off notice in House General Subcommittee of State & Local Government.

SB74 / HB153 Transportation Vehicles: Prohibits a child under five from riding on a motorcycle.

Sponsors Sen. Doug Overbey / Rep. Bob Ramsey
Description Prohibits the operator of a motorcycle from carrying a passenger under the age of five. Specifies that a violation is a Class C misdemeanor punishable by a fine of \$50.00.
Senate Status 02/07/2011 - Referred to Senate Transportation.
House Status 03/29/2011 - House Transportation deferred to summer study.

SB343 / HB391 Transportation Vehicles: DUI - revocation of driver license on third offense.

Sponsors Sen. Doug Overbey / Rep. Richard Montgomery
Description Increases the minimum time that a driver license may be revoked for third and fourth and subsequent DUI convictions from three and five years to six and eight years.

Senate Status 03/15/2011 - Senate Judiciary recommended. Sent to Senate Finance, Ways & Means.

House Status 04/13/2011 - House General Subcommittee of Finance placed behind the budget.

SB451 / HB475 Transportation Vehicles: Adjusted standards for DUI.

Sponsors Sen. Charlotte Burks / Rep. Charles Curtiss

Description Broadens certain standards of impairment regarding driving under the influence from depriving the driver of clearness of mind and control of the driver's body to impairment to the slightest degree. Establishes that a DUI occurs when any amount of Schedule I chemical is found in the driver's bodily fluids. Establishes that a DUI occurs when any amount of a Schedule II, III, or IV chemical is found in the driver's bodily fluids, unless the driver has a valid prescription for such chemical.

Senate Status 04/05/2011 - Senate Judiciary deferred to 04/12/2011.

House Status 04/20/2011 - House General Subcommittee of Judiciary deferred to summer study.

SB479 / HB484 Transportation Vehicles: Ignition interlock device adjustments.

Sponsors Sen. Mae Beavers / Rep. Tony Shipley

Description Requires that certain first-time DUI offenders will have to receive ignition interlock devices if their alcohol concentration was .08 percent, instead of .15 percent, at the time of the offense. Removes the requirement that certain first-time DUI offenders receive ignition interlock devices when in violation of the implied consent law.

Senate Status 02/15/2011 - Referred to Senate Judiciary.

House Status 03/30/2011 - House General Subcommittee of Judiciary deferred to summer study.

SB540 / HB1251 Transportation Vehicles: TN Administrative License Revocation Act.

Sponsors Sen. Randy McNally / Rep. Jimmy Matlock

Description Authorizes a law enforcement officer charging an individual with driving under the influence and various other crimes involving driving while intoxicated to take possession of the individual's driver's license issued by this state if they test positive for specified alcohol levels, refuse to submit to testing or have submitted to a chemical blood test. Requires a person submitting to a chemical blood test to be issued an interim permit valid for 90 days and requires officers to issue a notice of proposed revocation and request for a hearing to those who tested positive or refused a blood alcohol exam. Requires officers to report specified information to the department within a specified time to be used as prima facie evidence in an administrative hearing. Authorizes the department to conduct hearings to determine if a person's license shall be revoked and provides numerous guidelines regarding evidence, court dates, appeal, written opinions, waiver of right to a hearing, judicial review, notice, and appearance of parties that must be complied with during the administrative process. Grants the person charged the right to petition for stay or reconsideration of the order as well as petition for judicial review in the Davidson county chancery court. Limits revocation periods from three months to one year and requires they run concurrently with any other revocations based on the same occurrence. Provides for procedures to facilitate the return of a persons revoked license who has been acquitted during criminal trial, has had the case dismissed or has entered into a plea agreement, as well as requiring the revocation be removed from the persons driving record. Allows an officer anywhere from 90 to 120 days, dependent on the charge, to file the charges related to the revocation or the driver may request the administrative process cease and their driver's license returned. Allows persons charged to apply for a restricted license based on specified circumstances and driver history. Sets requirements for a person to have their license reinstated following revocation including fees, proof of insurance, and evidence of financial responsibility. (19 pp.)

Senate Status 04/26/2011 - Taken off notice in Senate Judiciary.

House Status 04/12/2011 - House General Subcommittee of Judiciary deferred to 4/20/11.

SB545 / HB1250 Transportation Vehicles: Open container.

Sponsors Sen. Randy McNally / Rep. Jimmy Matlock

Description Prohibits both the driver and passenger of a motor vehicle from consuming an alcoholic beverage or possessing an open alcoholic beverage container within the passenger area, except in cases where the passenger is in the following circumstances: a motor vehicle being used primarily for transportation of persons for compensation, in the living quarters of a motor home or house trailer, or in a vehicle operated by a chauffeur for-hire capacity. Maintains the Class C misdemeanor, punishable by a fine of \$50.

Senate Status 03/15/2011 - Taken off notice in Senate Judiciary.

House Status 03/17/2011 - Referred to House General Subcommittee of State & Local Government.

SB550 / HB33 Transportation Vehicles: Traffic surveillance cameras: revenue distribution.

Sponsors Sen. Randy McNally / Rep. John Ragan

Description Requires that 95 percent of revenue from traffic violations resulting from traffic surveillance cameras be earmarked solely for educational needs of the local governing entity.

Senate Status 02/15/2011 - Referred to Senate Transportation.

House Status 04/26/2011 - House State & Local Government deferred to 2012.

SB1117 / HB802 Transportation Vehicles: Traffic citations based on surveillance cameras.

Sponsors Sen. Mike Bell / Rep. Vance Dennis

Description Requires that a traffic citation based on evidence obtained by a traffic enforcement camera is to be served to the driver in the same manner as a criminal summons and prosecuted in the same manner as a traffic citation based on the observation of a POST-certified law enforcement officer.

Senate Status 03/23/2011 - Taken off notice in Senate Transportation.

House Status 03/22/2011 - Failed in House Transportation on 03/22/2011.

SB1142 / HB18 Transportation Vehicles: Fifty dollar fine for obscene displays on motor vehicles.

Sponsors Sen. Douglas Henry Jr. / Rep. Gary W. Moore Sr.

Description Deletes the minimum and maximum range of fines for obscene displays or markings on motor vehicles and makes it a flat 50.00 dollar fine.

Senate Status 03/28/2011 - Senate passed.

House Status 03/28/2011 - House passed 03/28/2011.

Executive Status 04/13/2011 - Enacted as Public Chapter 0058 effective 07/01/2011.

SB1269 / HB718 Transportation Vehicles: Conditions on bond for prior DUI convictions.

Sponsors Sen. Mae Beavers / Rep. Tony Shipley

Description Requires the judge or magistrate to set conditions on bond to attempt to eliminate any danger to the community by a defendant who has one or more prior convictions for DUI and is determined by the judge or magistrate to be a danger to the community.

Senate Status 05/12/2011 - Set for Senate Judiciary Committee 05/17/11.

House Status 05/11/2011 - House passed with amendments 1 and 2. House amendment 1 allows courts to consider the use of specified devices such as ignition interlocks, drug testing, alcohol monitoring devices, or in-patient rehabilitation as conditions of bail for persons charged with vehicular assault or homicide, or driving under the influence instead of allowing such consideration for persons with one or more of the following convictions and adds charges for aggravated vehicular homicide to the above list. Allows use of such devices to be considered as conditions to bail for the above offenses if committed while the defendant was currently released on bail for the same charges. Allows sheriffs, magistrates and other authorities permitted to

admit bail to also consider the use of such devices in setting bail. House amendment 2 corrects a typographical error in a cross reference by changing (d)(2) to (b)(2) in section three of the bill.

SB1270 / HB715 Transportation Vehicles: DUI - testing for blood alcohol content without consent.

Sponsors Sen. Mae Beavers / Rep. Tony Shipley
Description Permits a law enforcement officer to test the blood alcohol content of a driver who is suspected of committing DUI and who has been previously convicted of DUI regardless of whether the driver gives his consent to be tested.
Senate Status 05/11/2011 - Senate Judiciary recommended. Sent to Calendar Committee.
House Status 05/11/2011 - House passed.

SB1698 / HB352 Transportation Vehicles: Penalty for failure to provide proof of insurance.

Sponsors Sen. Charlotte Burks / Rep. Michael Ray "Mike" McDonald
Description Authorizes county or municipal law enforcement officers to impound motor vehicles upon driver's failure to provide evidence of financial responsibility. Requires police department to notify owner of motor vehicle and all lienholders of record within two business days that the vehicle has been impounded. Allows owner or lienholder to reclaim vehicle within ten days of the notice upon payment of all towing, preservation and storage charges. Specifies that failure of owner or lienholder to reclaim the vehicle within the time provided shall be deemed a waiver by the owner and all lienholders of all right, title and interest in the vehicle and consent to sale of the vehicle at public auction.
Senate Status 03/01/2011 - Referred to Senate Judiciary.
House Status 02/17/2011 - Referred to House General Subcommittee of Transportation.

SB2038 / HB196 Transportation Vehicles: Suspended drivers allowed payment plan for past fines.

Sponsors Sen. Ophelia Ford / Rep. Brenda Gilmore
Description Allows those with a suspended license for failure to pay imposed fines or appear in court and who are eligible to pay their judgment at a reduced rate of fifty percent to enroll in a payment plan, instead of requiring a single payment. Requires a person enrolling in a payment plan to enter into a written agreement promising to pay ten percent within the first month and pay the entire balance within nine payments. Failure to make three monthly payments will result in disenrollment from the payment plan.
Senate Status 03/04/2011 - Referred to Senate Transportation.
House Status 02/09/2011 - Referred to House General Subcommittee of Transportation.

Utilities - 4

SB1395 / HB1803 Utilities: Initiation of rate proceedings by utilities providing water.

Sponsors Sen. Bo Watson / Rep. Richard Floyd
Description Specifies that a privately owned public utility that supplies water to municipal governments may only initiate a rate proceeding once every six years. Also specifies that books, records and documents that authority has access to for rate regulation for privately owned public utility that supplies water to municipal governments are considered public records.
Senate Status 03/01/2011 - Referred to Senate State & Local Government.
House Status 04/13/2011 - Failed, for lack of motion, in House General Subcommittee of Commerce.

SB1576 / HB1276 Utilities: Switched access services - TRA responsibilities.

Sponsors Sen. Mae Beavers / Rep. Judd Matheny
Description Modifies the TRA's responsibilities regarding preservation of universal service,

requiring that universal service be preserved for rural incumbent local exchange telephone companies and telephone cooperatives. Specifies such preservation is necessary as a result of the opening of local telecommunications markets to competition and the reduction in intrastate switched access services and revenues that have traditionally provided a significant source of universal service support. Redefines universal service as consisting of basic local exchange telephone service at comparable rates and carrier-of-last resort obligations. Current law states that universal service consists of residential basic local exchange telephone service at affordable rates and carrier-of-last-resort obligations. Removes provision regarding TRA creation of an alternative universal service support mechanism. Removes language stating that TRA shall require all telecommunications service providers to contribute to the support of universal service. Broadly captioned.

Senate Status 03/01/2011 - Referred to Senate Commerce, Labor & Agriculture.

House Status 03/28/2011 - Withdrawn in House on 03/28/2011.

SB1801 / HB1661 Utilities: TN Limousine Transportation Services Act.

Sponsors Sen. Douglas Henry Jr. / Rep. Gary W. Moore Sr.

Description Requires for-hire limousine passenger services to be regulated by the TRA.

Senate Status 05/03/2011 - Taken off notice in Senate Commerce, Labor & Agriculture.

House Status 03/03/2011 - Referred to House Commerce.

SB1926 / HB1745 Utilities: Annual report of TRA to general assembly.

Sponsors Sen. Jamie Woodson / Rep. Judd Matheny

Description Changes TRA annual report date to general assembly from first Monday of February each year to first Monday of March each year.

Senate Status 03/02/2011 - Referred to Senate State & Local Government.

House Status 04/13/2011 - Taken off notice in House General Subcommittee of Commerce.

Workers Compensation - 1

SB2019 / HB1045 Workers Compensation: Worker's compensation administrative review appeal.

Sponsors Sen. Eric Stewart / Rep. Judd Matheny

Description Grants the aggrieved party the right to appeal the administrative review of a specialist order determining whether an employee is entitled to medical care or treatment covered by workers' compensation pursuant to approved settlement. Grants de novo appellate review to the chancery court in the county where the employee resides or where the alleged injury occurred, or the county in which the employer maintains an office if the employee is from out-of-state. Requires the aggrieved party appeal within 10 days of the final order. Prohibits assessment of penalty if aggrieved party appeals final order. Contains broad caption.

Senate Status 04/19/2011 - Senate Commerce, Labor & Agriculture deferred to 04/26/2011.

House Status 04/13/2011 - House General Subcommittee of Consumer & Employee Affairs deferred to summer study.

Executive Status 04/08/2011 - Workers' Compensation Advisory Council reviewed and previously recommended against, but the council stated that its finding may change with the proposed new amendment.
